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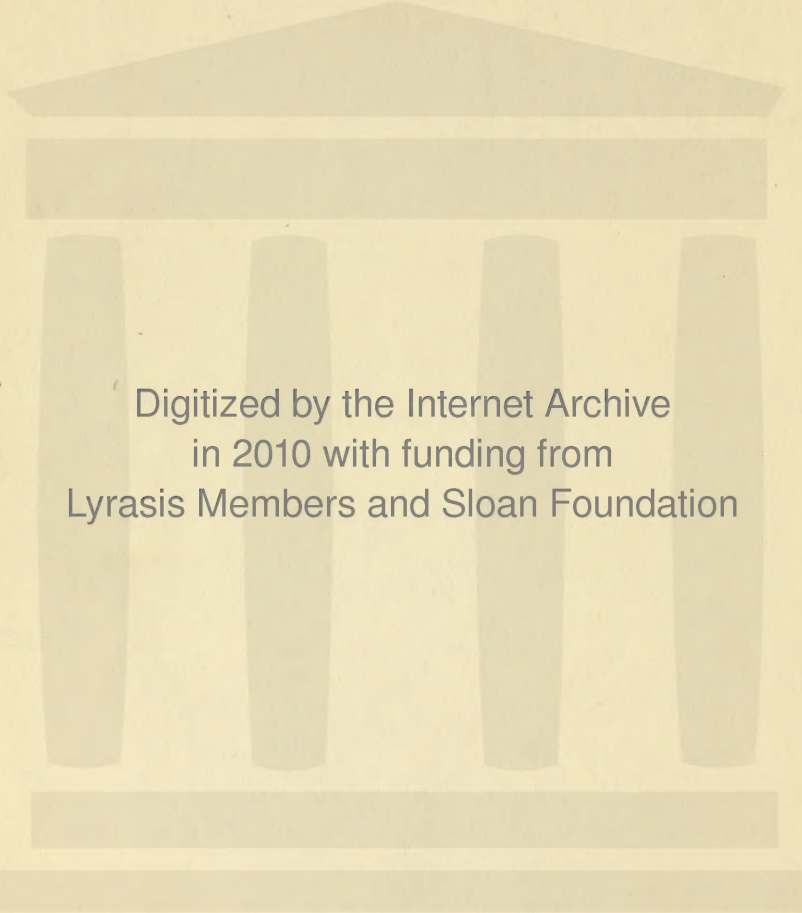
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THE
STATUTES AT LARGE

OF

SOUTH CAROLINA;

EDITED, UNDER AUTHORITY OF THE LEGISLATURE,

BY

THOMAS COOPER, M. D.—L. L. D.



VOLUME THIRD,
CONTAINING THE ACTS FROM 1716, EXCLUSIVE, TO 1752, INCLUSIVE.
ARRANGED CHRONOLOGICALLY.



COLUMBIA, S. C.
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1838.

1836-1841

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A. D. 1717.

No. 371.

AN ACT FOR THE BETTER SETTLING AND REGULATING THE MILITIA.

(Ratified June 30, 1716. Marked T. A. No. 18. I cannot find its numerical place among the Acts of this session. *See last volume.*)

AN ACT FOR ENLARGING THE SALARY OF THE PUBLICK RECEIVER.

No. 372.

WHEREAS, by one Act of Assembly of this Province, intituled an Act for settling a Salary on the Publick Receiver, ratified in open Assembly the first day of March, in the year of our Lord one thousand seven hundred and ten, amongst other things therein enacted, it is enacted that the person nominated by a vote of the House of Commons to be Publick Receiver, for his pains, care and trouble in executing and performing the office of Publick Receiver, shall yearly and every year be allowed and paid out of the publick treasury the sum of one hundred and fifty pounds current money, as by the said Act, reference being thereunto had, may more fully and at large appear: Now whereas, at this time the intrinsic value of the currant money of this Province is very much depreciated, and the publick revenue and the charge and attendance on the same is very greatly increased since the ratification of the said Act; and to give suitable encouragement to the Publick Receiver to undertake the collecting and paying the publick revenue of this Province with cheerfulness,

Preamble.


I. *Be it enacted*, by his Excellency John Lord Carteret, Palatine, and the rest of the true and absolute Lords and Proprietors of this Province, by and with the advice and consent of the rest of the members of the General Assembly, now met at Charlestown for the South and West part of this Province, and by the authority of the same, That Colonel Alexander Parris, the present Publick Receiver of this Province, or the Publick Receiver for the time being, shall be allowed and paid out of the publick treasury the sum of two hundred and fifty pounds, over and above the said sum of one hundred and fifty pounds, yearly, and every year, to be paid at the end of every three months in the year, by even and quarterly payments, in lieu of all commissions, dues and perquisites whatsoever, arising from the said office, as the said Act directs, other than such as at this time he may or ought lawfully to claim and demand.

Salary 250l
per annum.

and 150l.

II. And whereas, by the said Act, there is no provision made for the Publick Receiver to appoint a deputy in case of his sickness, or any other unavoidable impediment or unforeseen accident, whereby the publick business of this Province might be retarded and delayed, to the great loss and damage of the same, *Be it therefore enacted* by the authority aforesaid, That it shall be lawful for Colonel Alexander Parris, the present Publick Receiver, or for the Receiver for the time being, to nominate and appoint such person as he or they shall think fit, to be his or their deputy, in receiving and collecting all dues, duties, taxes, impositions, penalties and for-

May appoint
a deputy.

A. D. 1717.  feitures, arising or growing due by virtue of any Act now or hereafter to be in force in this Province. Provided always, that the said Colonel Alexander Parris, the present Publick Receiver, or the Publick Receiver for the time being, shall be liable to all fines, forfeitures of bond, or other penalties, incurable by any law which now is or hereafter shall be in force in this Province, on any failure of duty, crime or other neglect committed by any such deputy, by them appointed, as if the same was perpetrated by the said Colonel Alexander Parris, present Publick Receiver, or the Receiver for the time being, in the execution of the said office of Publick Receiver; and the bond given for their faithful execution of the said office, may, for such misdemeanours, committed by such deputy, be put in suit against the said Publick Receiver.

To continue in
force 2 years.

III. *And be it further enacted,* That this Act and every thing therein contained, shall continue in force for the full space or term of two years, and from thence to the end of the next sessions of the General Assembly, and no longer.

*Read three times and ratified in open Assembly,
the 16th day of February, A. D. 1716-7.*

ROBERT DANIELL,
THOMAS SMITH,
CHARLES HART,
GEORGE LOGAN,
FRANCIS YONGE,
SAMUEL EVELEIGH.

*No. 372. AN ACT to enable the Honourable the Deputy Governour, with the consent of the Council, to carry on the present Expedition against our Indian Enemies.

(Ratified January 26, 1716-7, for six months. Expired. The original Act not now extant. I am unable to assign its proper number.)

** No. 372. AN ACT to grant several Privileges, Exemptions and Encouragements, to such of his Majesty's Protestant Subjects as are desirous to come into and settle in this Province.

(Ratified February 16, 1716-7. Repealed by the Lords Proprietors, July 22, 1718. I cannot assign the proper number to this Act, which is not now extant.)

No. 373. AN ADDITIONAL AND EXPLANATORY ACT TO AN ACT ENTITLED, AN ACT TO KEEP INVIOULATE AND PRESERVE THE FREEDOM OF ELECTIONS, AND APPOINT WHO SHALL BE DEEMED AND ADJUDGED CAPABLE OF CHOOSING OR BEING CHOSEN MEMBERS OF THE COMMONS HOUSE OF ASSEMBLY: Duely ratified in open Assembly the fifteenth day of December, 1716.

WHEREAS, several disputes have arisen about the qualifications of such persons who shall be deemed capable to vote for or elect members of

the Commons House of Assembly, and of the qualifications of such who shall be elected to serve as representatives in the said Commons House of Assembly, whereby the true intent and meaning of the above recited Act hath been wrongfully wrested and perverted; therefore, for the preventing of the same for the future,

A. D. 1717.

I. *Be it enacted* by his Excellency John Lord Cartaret, Palatine, and the rest of the true and absolute Lords and Proprietors of this Province, by and with the advice and consent of the rest of the members of the General Assembly, now met at Charlestown for the south and west part of this Province, and by the authority of the same, That every white man (and no other) professing the Christian religion, who has attained to the age of one and twenty years, and hath been a resident and an inhabitant of the parish for which he votes for a representative for the space of six months before the date of the writs for the election that he offers to give in his vote at, and hath a freehold of at least fifty acres of land, or shall be liable to pay taxes to the support of this government, for the sum of fifty pounds currant money, shall be deemed a person qualified to vote for, and may be capable of electing a representative or representatives to serve as a member or members of the Commons House of Assembly for the parish or precinct wherein he actually is a resident.

Qualifications
of voters.

II. *And be it further enacted* by the authority aforesaid, That no apprentice or other covenanted servant for term of years, whether by indenture or by custom of the country, nor any seafaring or other transient man, who has neither freehold nor is liable to pay tax for a stock of fifty pounds currant money towards the publick charge of this Province, within the parish he offers to give his vote for a representative or representatives as above directed, shall be deemed capable of voting, or electing a representative; any thing in the afore recited Act contained to the contrary notwithstanding.

No servant,
apprentice, or
seafaring, tran-
sient man, may
vote.

III. *And be it further enacted* by the authority aforesaid, That every person who shall be elected and returned by the persons to whom any writ or writs are directed, according to the above recited Act, to serve as a member of the Commons House of Assembly, shall be qualified as followeth,—that is to say, he shall be a free-born subject of the Kingdom of Great Britain, or of the dominions thereunto belonging, or a foreign person naturalized by Act of Parliament in Great Britain or Ireland, that hath attained to the age of one and twenty years, and hath been twelve months in this Province, and is resident in the parish he is chosen for, and hath a freehold of five hundred acres of land in the said parish wherein he resides, or has in his own proper person, and in his own right, to the value of one thousand pounds, in houses, buildings, town lots or other lands, in any part of this Province, or that hath one thousand pounds in cash or stock. Provided always, that nothing in this Act do extend or be construed to extend to alter or abridge the liberty given by the above recited Act to the inhabitants that resided, before the war, in the deserted parishes of St. Bartholomews and St. Helena, or of any other parish that hereafter shall be deserted, to vote for and elect persons to represent them in the Commons House of Assembly that were likewise residents in the said parishes before this Indian war, (and are otherwise qualified as by this Act is directed,) according to the true intent and meaning of the above recited Act, any thing herein contained to the contrary notwithstanding.

Qualification
of a represen-
tative.Not to extend
to the inhabit-
ants of deserted
parishes.

IV. *Provided always*, and it is hereby enacted and declared, That any person whatsoever who shall have in his own right, and not in trust for any other person, a settled plantation of five hundred acres of land, or

Proviso as to
qualifications of
a representa-
tive.

A. D. 1717.

above, and not having less than ten able working negro slaves, living on the same, under the care of at least one white man, in any parish in this Province, for the space of six months before the date of the writs aforesaid, and the said parish is situated within the bounds of the county where such person is then a resident, and such person is otherwise qualified as above directed; that then it shall be lawful for such person to be chosen a member of the Commons House of Assembly for such parish, although he is not an actual resident in the same; any thing in this or the above recited Act contained to the contrary notwithstanding.

Said qualifications to be read over when the assembly meets and an oath to be taken.

V. *And be it further enacted* by the authority aforesaid, That any of his Majesty's Justices of the Peace returned to serve as a member of the said Commons House of Assembly, shall read over to the rest of the members returned to serve in the said House, before they be admitted to sit as such, the two last herein before mentioned qualifying clauses, and then each member, before he be permitted to sit as such in the said house, shall take the following oath on the holy evangelists or according to the form of his profession, to be administered by any of the Justices aforesaid:— I, A. B. do sincerely swear that I am duely qualified to be chosen and serve as a member of the Commons House of Assembly of this Province, for the parish of C., according to the true intent and meaning of this Act. So help me God.

No salaried person qualified to sit as a member.

VI. *And be it further enacted* by the authority aforesaid, That after the ratification of this Act no person who, either from the publick of this Province or by virtue of a commission from the Lords Proprietors thereof, shall receive any salary or perquisite, shall be capable of being elected or returned a member of the Commons House of Assembly; and if at any time hereafter, the House of Commons, for the time being, shall choose one of their own members to serve the publick, in a place of profit to himself, or any other person who shall receive a salary or perquisite by virtue of a commission from the Lords Proprietors, every such person shall thereupon immediately leave the said House, or lay down and entirely quit his said commission, under the penalty of five hundred pounds, to be recovered of him as other fines and forfeitures are hereafter directed by this Act, and a new writ or writs shall be issued out for the choosing of another member in his room and stead.

Half the fines to the publick Receiver and half to the informer.

VII. *And whereas*, in the above recited Act, it is enacted that the informers shall have the whole fines and penalties that shall be recovered, which may prove of very ill consequence and encourage confederacies to elude the true design of the said Act; *Be it therefore enacted* by the authority aforesaid, That one half of all fines, forfeitures and penalties, that shall be recovered according to the direction of the said Act, shall be to the publick Receiver for the publick use of this Province, and the other half shall be to the informer; any thing in the said Act contained to the contrary thereof, in the said Act, notwithstanding.

*Read three times and ratified in open Assembly,
the 29th day of June, 1717.*

ROBERT DANIELL,
THOMAS SMITH,
GEORGE CHICKEN,
FRANCIS YONGE,
SAMUEL EVELEIGH.

Repealed by the Proprietors, July 22, 1718, and by section 24 of Act of September, 1721,

A. D. 1717.

No. 374.

AN ACT TO REPEAL THE FIRST CLAUSE OF AN ACT OF ASSEMBLY OF THIS PROVINCE, ENTITLED AN ADDITIONAL ACT TO AN ACT ENTITLED AN ACT TO PREVENT AND SUPPRESS FIRE IN CHARLESTOWN; AND TO REPEAL SEVERAL OTHER ACTS HEREIN MENTIONED.

WHEREAS, by the first clause of the above recited Act, which was ratified in open Assembly the eighteenth day of December, in the year of our Lord one thousand seven hundred and thirteen, it is enacted, that no dwelling-house, shop, ware-house, stable, barn or any other building whatsoever, shall be erected or set up within the lines of the fortifications of the said town, except such building or buildings be set up and erected or built of bricks, and that whoever sets up or erects any wooden frame or building within the said fortifications, from and after the expiration of sixty days after the ratification of the Act aforesaid, contrary to the true intent and meaning of the said Act, such wooden frame and building so erected and set up, shall be deemed a common nuisance, and the same shall be utterly demolished by order of the commissioners in the said Act nominated and appointed, as by the said Act, reference being thereunto had, may more fully and at large appear: and whereas the greater part of the owners of land in Charlestown, have in their petition to the General Assembly (amongst other things therein contained) represented, that bricks are no ways to be had but at such excessive rates, that wholly disables them to build therewith, whereby their lands lie waste, to the sensible decay of Charlestown, and the disadvantage of the Province in general;

Preamble.

I. *Be it therefore enacted* by his Excellency John Lord Cartaret, Palatine, and the rest of the true and absolute Lords and Proprietors of this Province of Carolina, by and with the advice and consent of the rest of the members of the General Assembly, now met at Charlestown for the south and west part of the said Province, and by the authority of the same, That the aforesaid recited clause in the said Act is hereby declared repealed, annulled and made void, to all intents and purposes whatsoever.

The 1st clause
of an Act
repealed.

II. *And be it enacted* by the authority aforesaid, That the inhabitants and owners of lands in Charlestown, shall have full and free liberty to build on their said lands any manner of buildings, and of what materials they shall think fitting, whether it be of bricks, wood or wooden frames, as shall suit best with their conveniency. Provided nevertheless, That all manner of chimnies, hearths and fire-places, shall continue to be built of brick or stone, within the limits aforesaid, by the persons that shall erect any such building as above mentioned, under the penalty of fifty pounds, current money of this Province, to be forfeited by such person who builds with any other materials, and they are hereby declared to be a common nuisance, and the commissioners in the aforesaid recited Act, are hereby empowered to pull down and demolish the same.

Houses may be
built of wood,
provided the
hearths and
chimnies are of
brick or stone.

III. *And be it further enacted* by the authority aforesaid, That the penalty in the last clause above mentioned shall be recovered by action of debt, bill, plaint or information, in any court of record in this Province, wherein no essoign, privilege, injunction or wager of law shall be admitted or allowed of, one third part thereof to the Governour of this Province for the time being, one other third part to the person that shall inform and sue for the same, and the other third part to the publick Receiver, for the use of the publick.

Penalty how to
be recovered.

A. D. 1717.

A former Act
concerning the
Public Receiver
made perpetual

IV. *Whereas*, by one other Act of Assembly of this Province, entitled an Act for reviving and continuing the several Acts therein mentioned, which are expired or near expiring, ratified in open Assembly the thirtieth day of June, in the year of our Lord one thousand seven hundred and sixteen, amongst other things therein declared, it is enacted that one Act entitled an Act for settling a Salary on the publick Receiver, ratified in open Assembly the first day of March, one thousand seven hundred and ten-eleven, is thereby declared revived, continued, and enacted to be of full force, for and during and until the full term and time of two years after the ratification of the said Act, and from thence to the end of the first session of the General Assembly, and no longer; which said Act, for settling a salary on the publick Receiver, happened to be inserted thus among the temporary laws by some inadvertency or mistake, the same being an Act without limitation, as reference being thereunto had may more fully and at large appear; but to clear all doubts that may hereafter happen to arise about the true intent and meaning of the above recited clause, *Be it enacted* by the authority aforesaid, that the said Act, for settling a salary on the publick Receiver, is hereby declared to be of full force and virtue until repealed by an Act of the General Assembly; any limitation therein contained to the contrary notwithstanding.

One Act concern-
ing Pilotage
repealed.

V. *And whereas* there appears, by the records of this Province, two Acts for the settling of Pilotage to be at this time both in force, though they contain downright contradictions one to the other, which may occasion debates and controversys; for preventing the same, *Be it enacted* by the authority aforesaid, that one Act of Assembly of this Province, entitled an Act for the settling Pilotage, ratified in open Assembly the twelfth day of July, in the year of our Lord one thousand seven hundred and seven, and since that time continued by several Acts to the month of December which will be in the year one thousand seven hundred and eighteen, is hereby declared repealed, annulled and made void, to all intents and purposes whatsoever, any limitation in any Act now in force concerning the same notwithstanding.

Act concerning
importation of
white servants
repealed.

VI. *And whereas* one other Act of Assembly of this Province, entitled an Act to encourage the importation of White Servants into this Province, ratified in open Assembly the thirteenth day of June, one thousand seven hundred and sixteen, is so far from answering the good intentions thereby designed, that it has proved the chiefest discouragement for the importation of white servants, and is in many respects impracticable and prejudicial to the Province; *Be it therefore enacted* by the authority aforesaid, that the said Act, and every clause, paragraph, matter and thing therein contained, is hereby declared repealed, annulled and utterly made void, and of none effect; any limitation therein contained to the contrary thereof in any wise notwithstanding.

*Read three times and ratified in open Assembly,
the 29th day of June, 1717.*

ROBERT DANIELL,
THOMAS SMITH,
GEORGE CHICKEN,
CHARLES HART,
FRANCIS YONGE.

A. D. 1717.

AN ADDITIONAL ACT to an Act entitled, An Additional Act to the several Acts for making and repairing of Highways; ratified June 7, 1712.

No. 375.

(Ratified June 29, 1717. Repealed by the continuing, reviving and repealing Act of July 5, 1718. *See last volume.*)

AN ACT for repairing the Road from the Plantation of the late Daniel Hugier, deceased, in the Parish of St. James Santee, to the Plantation of Capt. Bartholomew Gaillard; and for making a Road from the said Bartholomew Gaillard's Plantation to the Plantation of Mr. Francis Williams; and also for building a Bridge over Itchaw Creek, [See Nos. 243 and 275,] and other small Bridges over creeks lying in the same roads.

No. 376.

(Ratified June 29, 1717. Repealed by Section 29 of the Highway Act of September 15, 1721. *See last volume.*)

AN ACT to empower Commissioners to make one or more Cuts or Creeks in the Parish of Christ Church, for the more convenient transporting of the goods, &c. by water to Charlestown, of the persons within the limits herein mentioned.

No. 377.

(Ratified June 29, 1717. Repealed by the Highway Act of Sept. 15, 1721. The original Act not now to be found.)

AN ACT for making a Road from Mr. Richard Woodward's plantation on James Island, to the plantation of Mr. Richard Godfrey, and building a Bridge over Wappoo Creek.

No. 378.

(Ratified June 29, 1717. Repealed by the Highway Act of September 15, 1721. *See last volume.*)

AN ACT TO APPROPRIATE TO SUCH PARTICULAR USES AS ARE HEREIN MENTIONED, WHAT MONEYS SHALL REMAIN OF THE SEVEN THOUSAND FIVE HUNDRED POUNDS, WHICH BY AN ACT OF ASSEMBLY FOR APPOINTING RANGERS, RATIFIED DECEMBER THE 15TH, 1716, WAS PUT INTO A BOX, AND LODGED IN THE HANDS OF RALPH IZARD, ESQ. AFTER THE SUM OF FOUR THOUSAND AND THIRTY-SIX POUNDS TEN SHILLINGS, DUE FOR THE SERVICE OF THE RANGERS, TO BE APPOINTED BY AN ACT TO BE PASSED IN THIS SESSION OF THE ASSEMBLY, AND TO THE OFFICERS' AND SOLDIERS BELONGING TO PORT ROYAL AND SAVANO TOWN GARRISONS, UNTIL THE FIRST DAY OF NOVEMBER, 1717, SHALL BE TAKEN OUT OF THE SAID BOX, AND SECURED TO BE PAID TO THEM OR THEIR ASSIGNS.

No. 379.

WHEREAS, by an Act for appointing Rangers, to guard the frontiers of this Province, &c. duly ratified in open Assembly the fifteenth day of

A. D. 1717.



Preamble.

December, 1716, amongst other things therein contained, it was provided and enacted, that the sum of Seven Thousand Five Hundred Pounds therein mentioned, part of the sum of Fifteen Thousand Pounds, lodged according to the directions of the said Act, in the hands of Ralph Izard, Esq. as also all the remainder of such sums of Money unapplied, or not paid away, of the other Seven Thousand Five Hundred Pounds, in and thereby applied for and towards paying the Rangers, and the Officers and Soldiers of the several Garrisons, and for their provisions, if any did remain, should be safely kept in the custody and keeping of the said Ralph Izard, Esq. that the same should be disposed of, and applied to such uses as the General Assembly should by law appoint and direct the same: And forasmuch as it is highly just and reasonable, and there is an indispensable necessity at this juncture, to pay the arrears due to several Officers and Soldiers who have served in the Army or Garrisons, to encourage them and others to serve the publick for the future, in the like stations, and also what is due to other persons to whom the publick is indebted, whose circumstances and pressing occasions for money are such, as not to admit of being without the same any longer;

40367. 10 s. to be
drawn from R.
Izard, for the
pay of Rangers.

I. *Be it therefore enacted*, by his Excellency John Lord Carteret, Palatine, and the rest of the true and absolute Lords and Proprietors of the Province of Carolina, by and with the advice and consent of the rest of the members of the General Assembly, now met at Charlestown for the South and West part of the said Province, and by the authority of the same, That the commissioners in and by the above recited Act, for paying the rangers, and the officers and soldiers, as aforesaid limited and appointed, be, and they are hereby fully impowered, authorized and directed, in the first place, to take out of the Box lodged (pursuant to the directions of the said Act) in the hands of Ralph Izard, Esq. the sum of Four Thousand and Thirty-six Pounds ten shillings, being the sum that will on the first day of November next, be due to the several rangers appointed by law, to guard the frontiers of this Province, and the officers and soldiers belonging to Port Royal and Savano Town Garrisons, in order, at that time, to pay the same to them or their assigns, and then to deliver and pay unto the late commissioners (appointed in and by the Act commonly called the Tax Act) for paying the Army, whatsoever sum of money shall then remain in the said Box, and likewise all the remainder of such sums of money unapplied or not paid away, of the other Seven Thousand Five Hundred Pounds aforesaid, in their hands (if any be) to and for the several uses and purposes hereafter mentioned, that is to say, the said late commissioners for paying the army are hereby impowered, authorized and directed, pursuant to an order of both Houses of Assembly, to them to be delivered, to pay whatsoever sum or sums of money shall to them be paid by the aforesaid commissioners appointed for paying the rangers and officers and soldiers as aforesaid, in manner hereafter following. In the first place, they shall, out of the said money, pay unto Alexander Paris, Esq, Publick Receiver, the sum of thirteen hundred pounds, being part of a greater sum, due to him as Publick Receiver, from the Publick of this Province, on the balance of his account stated, and after that they have paid the same, then to pay the residue and remainder of that same money (except a sum not exceeding the sum of five hundred pounds, which the Deputy Governour, or the Governour for the time being, is hereby impowered to draw out of the said Box, to defray the charges of any emergency that may happen for the publick service of this Province, pursuant to the directions of an Act of Assembly of this Province, ratified January the 26th, 1716-7, entitled, an Act to enable the Honorable

the Deputy Governour, with the consent of his Council, to carry on the present expedition, &c., pursuant to an order of both Houses to them to be delivered, as above mentioned, any limitation, application, appropriation, or other provision whatsoever prescribed in the said Act, or any other law or laws of this Province contained, for disposing of any part or parcel of the aforesaid money, to the contrary in any wise notwithstanding.

A. D. 1717.

*Read three times and ratified in open Assembly,
the 29th day of June, 1717.*

ROBERT DANIELL,
THOMAS SMITH,
CHARLES HART,
GEORGE CHICKEN,
FRANCIS YONGE,

The Acts referred to in the title of this Act are No. 366, and an Act of this session, 29th June, 1717, to revive and continue the Act concerning Rangers.

AN ACT to revive and continue an Act for appointing Rangers (December 15, 1716) to guard the Frontiers of this Province against the incursions of our Indian enemies, and for making a further provision for the Garrisons of Port Royal and Savano Town.

No. 386.

(Ratified June 29, 1717, to continue till November 1st, following. Expired. The original Act not now to be found.)

AN ACT TO ERECT THE UPPER PART OF THE PARISH OF ST. ANDREW'S ON ASHLEY RIVER, INTO A DISTINCT PARISH SEPARATE FROM THE LOWER PART OF THE SAID PARISH.

No. 381.

WHEREAS, the inhabitants of the upper part of the Parish of St. Andrews on Ashley River, in Berkley county, are at so great a distance from the Parish Church, that they receive small or no benefit by the same, whereby they are deprived of the publick worship of God therein performed, and several of the said inhabitants being desirous to have divine worship established amongst them according to the Church of England, are willing to contribute towards building a Church, and a Rector or Minister's House, provided that the said upper part of the Parish of St. Andrews may be erected into a separate Parish, distinct from the said Parish of St. Andrews, and a Rector or Minister of the said Parish may have the same salary paid him out of the Publick Treasury, as is given to the Rectors or Ministers of the other country Parishes of this Province; therefore for the gratifying so reasonable a request and desire of the said inhabitants, and for the promoting the knowledge of the Christian religion as professed in the Church of England, and the worship of God in all parts of this Province, that so no persons inhabitants thereof may be destitute of enjoying the ordinances of God, appointed for their salvation,

Preamble.

I. *Be it enacted* by his Excellency John Lord Carteret, Palatine, and the rest of the true and absolute Lords and Proprietors of this Province, by and with the advice and consent of the rest of the members of the General Assembly, now met at Charlestown, for the South

A. D. 1717.

That the upper part of the parish of St. Andrews be a distinct parish by the name of St. George's.

and West part of this Province, and by the authority of the same, That the said upper part of the parish of St. Andrews, on Ashley river, in Berkley county, shall be and is hereby declared to be from henceforth forever, a distinct parish by itself, separate from the lower part of the parish of St. Andrews, and shall be called by the name of St. George's; and the said parish shall be and is hereby bounded to the South-east by the plantation of Mr. Beadon inclusive, and from thence by a West line to the bounds of Colleton county, and also by another straight line from the said Beadon's to the plantation of the late William Rowsam, deceased, where Mr. Robert Dews now lives, inclusive, and from the said plantation of the said Rowsam, deceased, by an East line until it touches the bounds of the parish of St. James Goose Creek, and on all other parts by the same bounds the said parish of St. Andrews was formerly bounded.

The Church and parsonage-house to be built where the Commissioners shall direct.

II. *And be it further enacted* by the authority aforesaid, That the Church and parsonage house, for the said parish, shall be built in such place within the bounds of the said parish, as the said major part of the commissioners hereafter named, shall order and direct, by and with the advice and consent of the major part of the inhabitants of the said parish, who are of the profession of the Church of England, and that shall contribute to the building thereof, and the said parish shall have and enjoy all the rights, privileges and immunities as any parish in this Province doth or can have, hold or enjoy, by any law, custom or usage whatsoever.

The Minister of St. George's to be chosen as other Ministers are by the Church Act.

III. *And be it further enacted* by the authority aforesaid, That the rector or minister of the said parish of St. George's shall be elected and chosen as the rectors or ministers of the several other parishes by one Act of this Province, entitled, an Act for the establishment of religious worship in this Province according to the Church of England, and for the erecting of Churches for the publick worship of God, and also for the maintenance of ministers, and the building convenient houses for them, ratified in open Assembly the thirtieth day of November, in the year of our Lord one thousand seven hundred and six, are ordered to be chosen, and shall have yearly paid to him or his lawful successors forever, the sum of one hundred pounds, to be paid him in the same manner as the other rectors or ministers of the several parishes are to be paid, and the Publick Receiver for the time being is hereby authorized and required to pay the same, under the same penalties and forfeitures as for not paying the salaries due to the other rectors or ministers of the several parishes of this Province; and the said rector or minister of the said parish of St. George shall have and enjoy such privileges and advantages, and also shall be under all such rules and laws, as the other rectors and ministers of the other parishes are.

In order to defray the charges of building the Church, the Commissioners may draw on the publick Treasury.

IV. And least so good, pious and laudable an undertaking should fail for want of a sufficient number of contributions, to raise money to build the said parish church and parsonage house, and purchasing a glebe, *Be it enacted* by the authority aforesaid, That it shall be lawful for the commissioners hereafter named, by an order under their hands, to draw on the Publick Receiver of this Province, for any sum or sums of money not exceeding three hundred thirty-three pounds six shillings and eight pence, to be paid by the said Publick Receiver, out of the Publick Money that shall come to his hands, in order to defray the charges of the building aforesaid, and the Publick Receiver for the time being is hereby authorized and required to pay the same.

V. *And be it further enacted* by the authority aforesaid, That Alexander Skeen, Esq. Capt. Walter Izard, Mr. Thomas Diston, Samuel Wragg, Esq. Capt. John Canty, Mr. Thomas Warring and Mr. Jacob Satur, are

hereby nominated and appointed to be the commissioners mentioned in this Act, and they or the major part of them are hereby impowered to exercise all the authorities and powers given them as commissioners by this Act in the several parts thereof; and in case of the death, absence or resignation of any of the said commissioners, the remaining commissioners or the major part of them, being summoned or notice given them before they meet, at some convenient place, such commissioners as shall so meet upon such summons or notice given, or the major part of them, shall or may chuse a person or persons to be commissioner or commissioners in the room or place of such person or persons dead, gone off or resigning, as to them shall seem meet, which persons so chosen, shall and are hereby declared to be commissioners for this Act.

A. D. 1717.

The names of
the Commis-
sioners.

VI. *And be it further enacted* by the authority aforesaid, That this Act nor any thing therein contained, do alter or be construed to alter any thing contained in one Act of Assembly of this Province, entitled, an Act to keep inviolate and preserve the freedoms of elections, &c. but that all writs for the future elections of members to represent the said two parishes of St. Andrew's and St. George's, shall be directed only to the church-wardens of the parish of St. Andrews, to chuse four members, for to represent the said two parishes, according to the true intent and meaning of the said Act.

Proviso.

*Read three times, and ratified in open Assembly,
December 11, 1717.*

ROBERT JOHNSON,
ALEXANDER SKEEN,
NICHOLAS TROTT,
THOMAS BROUGHTON,
CHARLES HART,
FRANCIS YONGE.

AN ACT FOR THE FURTHER ENCOURAGEMENT OF THE CLERGY OF THIS PROVINCE, BY ADVANCING THEIR SALARIES; AND FOR IMPOWERING THE COMMISSIONERS APPOINTED BY THE ACT COMMONLY CALLED THE CHURCH ACT, TO TAKE UP FROM THE LORDS PROPRIETORS A GRANT FOR PART OF THE LAND BELONGING TO BEAUFORT, FOR A GLEBE FOR THE USE OF THE RECTOR OR MINISTER OF THE PARISH OF ST. HELENA.

No. 382.

WHEREAS, by one Act of Assembly of this Province, entitled, an Act for the establishment of religious worship in this Province, according to the Church of England, and for the erecting of Churches for the publick worship of God; and also, for the maintenance of Ministers, and the building convenient houses for them; ratified in open Assembly the thirtieth day of November, one thousand seven hundred and six, amongst other things therein, it is enacted, that the Rector or Minister of the parish of St. Philip's, Charlestown, and his successors, shall have and receive from the Publick Receiver for the time being, the sum of One Hundred and Fifty Pounds, currant money of this Province, and that the several Rectors or Ministers of the other parishes mentioned in the said Act, and their successors, shall have and receive from the Publick Receiver

Preamble.

A. D. 1717.

for the time being, the sum of Fifty Pounds, currant money, to be paid them half yearly, for and during the term of three years, after the ratification of the said Act; and that three years after the ratification of the said Act, as aforesaid, the said several Rectors or Ministers of the said several parishes, and their successors, shall each of them have and receive from the Publick Receiver for the time being, the full and just sum of One Hundred Pounds per annum, currant money of this Province, half yearly; excepting the parish of St. Dennis, for the French settlement in the Orange Quarter, the Rector or Minister of which parish shall be allowed but Fifty Pounds per annum, which shall be paid him and his successors forever: And whereas by one other Act of this Province, entituled, an additional Act to the several Acts relating to the establishment of religious worship in this Province, and now in force in the same, and also to the Act for securing the Provincial Library at Charlestown, in Carolina, ratified in open Assembly, the seventh day of June, one thousand seven hundred and twelve, it is enacted, that from and after the ratification of the said Act, the then Rector or Minister of the said parish of St. Dennis, for the said French settlement in Orange quarter, shall be allowed (as the other Rectors or Ministers are) the sum of One Hundred Pounds per annum, to be paid half quarterly to him and his successors forever; and also it is further enacted, by the above recited additional Act, to the several Acts relating to the establishment of religious worship in this Province, that the Rector or Minister of the parish of St. Helena therein mentioned, and his successors forever, shall have yearly paid him the sum of One Hundred Pounds, currant money of this Province, to be paid him in the same manner as the other Rectors and Ministers of the several parishes are to be paid: And whereas by one other Act of this present General Assembly, entituled, an Act to erect the upper part of the parish of St. Andrew's, into a distinct parish, separate from the lower part of the said parish, it is enacted, that the Rector or Minister of the parish of St. George's therein mentioned, shall yearly have paid him and his successors forever, the sum of One Hundred Pounds, currant money of this Province, to be paid him in the same manner as the other Rectors and Ministers of the several parishes are to be paid: Now therefore, for the further encouragement of faithful Ministers labouring in the work of the Gospel, to come and reside in this Province, for the glory of God, and for the advancement of true religion and piety amongst us,

That the Rector of St. Philip's Charlestown shall have an additional salary of £100 per annum, and the Rectors of the other parishes to have £50.

I. *Be it enacted*, by his Excellency John Lord Carteret, Palatine, and the rest of the true and absolute Lords and Proprietors of the Province of Carolina, by and with the advice and consent of the rest of the members of the General Assembly, now met at Charlestown, for the South and West part of the said Province, and by the authority of the same, That from and after the ratification of this Act, the rector or minister of St. Philip's, Charlestown, shall have an additional salary of one hundred pounds per annum; and that all and singular of the several other rectors and ministers of the several parishes in the afore recited Acts nominated, shall have and receive an additional salary of fifty pounds currant money, per annum, to be paid them and their successors forever, by the Publick Receiver for the time being, half yearly; and the Publick Receiver for the time being is hereby authorized and required to pay the same, after the same manner and under the same penalties and forfeitures, as for not paying the former salaries payable to the said several rectors or ministers of the several parishes of this Province by any of the before recited Acts.

II. And whereas, by an Act of Assembly of this Province, entituled, a further additional Act to an Act entituled an Act for the establishment

of religious worship in this Province, according to the Church of England, and for the erecting of churches for the publick worship of God, and also for the maintenance of ministers, and the building convenient houses for them; ratified in open Assembly, the eighth day of April, one thousand seven hundred and ten; amongst other things it was enacted, that in case the church-wardens and vestry of each parish shall not have sufficient effects to pay parochial charges, and to make such necessary repairs as are required, that then it shall be lawful for the respective vestry of each parish, to draw upon the Publick Receiver for such sum of money as shall by them be thought necessary to repay the parish charges and repairs aforesaid; and such orders drawn by the vestrys of any of the several parishes of this Province, upon the Publick Receiver, and approved of by the commissioners appointed by the above recited Act, for the establishment of religious worship, or the major part of them, the Publick Receiver is thereby authorized, required and commanded to pay such sum or sums of money as shall be so drawn upon him by the vestry of any the several parishes, to defray the parish charges and repairs as aforesaid, and approved of as aforesaid: And whereas it hath by experience been found very inconvenient, dilatory and troublesome, to procure such orders drawn by the vestrys of the several parishes on the Publick Receiver, for the parochial charges as aforesaid, to be approved of by the commissioners as aforesaid; because of the seldom meeting of a Board of such commissioners; *Be it therefore enacted* by the authority aforesaid, That it shall be lawful for the Publick Receiver of this Province, to pay such orders drawn on him by the vestrys of the several parishes, for the parochial charges, whether the same be approved of by the said commissioners according to the directions of the said Act or not, so as such orders does not exceed the sums allowed for the parochial charges by the said Act, or by one other Act of the General Assembly of this Province, entitled, an additional Act to the several Acts relating to the establishment of religious worship in this Province, and now in force in the same, and also to the Act for securing the Provincial Library at Charlestown in Carolina, ratified in open Assembly the seventh day of June, in the year of our Lord one thousand seven hundred and twelve, any thing in either of those Acts contained, to the contrary notwithstanding.

A. D. 1717.

The parochial charges to be paid by order of the Vestries, although not approved of by the Commissioners.

III. And whereas, by one Act of Assembly of this Province, entitled, an Act to grant several privileges, exemptions and encouragements to such of his Majestie's Protestant subjects as are desirous to come into and settle in this Province, ratified in open Assembly, the sixteenth day of February, one thousand seven hundred and sixteen; amongst other things therein contained, it is enacted, that if any person or persons whatsoever, shall obtain any Grant or Grants, either in whole or in part, for any part or parcel of the lands belonging to the tract of land on Port Royal Island, known by the name of Beaufort, exceeding one half acre of the said land in each Grant, the said Grants are thereby declared void to all intents and purposes, and the persons offending shall forfeit one hundred pounds, for the publick use of the said place: Now, whereas a part or parcel of the said land lies very convenient for a Glebe, to be taken up for the use of the rector or minister of the parish of St. Helena, without doing any prejudice to the designed settlement of the said Town of Beaufort, *Be it therefore enacted* by the authority aforesaid, That it shall and may be lawful for the commissioners appointed by the directions of the Act commonly called the Church Act, to take up by Grant, from the true and absolute

The Commissioners empowered to take a Grant of 50 acres of Land on Port Royal Island, for a Glebe for the use of Rector of St. Helena.

A. D. 1717.

Lords and Proprietors of this Province, a part or parcel of the said tract of land commonly known by the name of Beaufort, not exceeding fifty acres, to be for a Glebe for the rector or minister of the parish of St. Helena, and his successors forever; which said fifty acres of land shall be taken up by the said commissioners in such part or place of Beaufort, as they with the advice of the major part of the vestry men of the said parish shall think proper, any penalty, forfeiture, clause or thing in the before recited Act, to the contrary notwithstanding.

IV. And whereas, by a certain order of Council of this Province, bearing date the sixth day of June, one thousand seven hundred and seventeen, it is ordered that every person that takes up any of the front lots in the said town of Beaufort, shall be obliged to build thereon a house of fifteen feet in breadth and thirty feet in length, in two years time; and the person that takes up any of the back lots, shall be obliged to build thereon a house of the like dimensions in three years time, after the date of their Grants for the same: Now, as the true intent and design of that order of Council, was to forward the speedy settlement of the said town of Beaufort, to the strengthening the frontiers of this Province, against all manner of enemies, to the great advantage and security of the whole Government, *Be it therefore enacted* by the authority aforesaid, That all manner of persons who have or shall take up any front lots in the said town of Beaufort, that do not build a tenantable house according to the dimensions aforesaid, or of a proportionable bigness, in the space of three years, after the ratification of this Act, and also all manner of persons who have or shall take up any back lots in the said town, that do not build a tenantable house according to the dimensions aforesaid, in the space of four years after the ratification of this Act, shall forfeit the sum of ten pounds, current money of this Province, per annum, for every year that they shall so neglect to build as aforesaid, to be levied and recovered for each house wanting to be built as aforesaid, by the church-wardens of the parish of St. Helena, of the persons offending or neglecting to build as is above directed, by action of debt, or on the case, in any Court of Record in this Province, wherein no essoin, protection, privilege of law, injunction or stay of prosecution, shall be admitted or allowed of, and the money so recovered by the church-wardens aforesaid, shall be by them applied to the building a church and parsonage house, for the said parish of St. Helena, and to no other use whatsoever.

All persons taking up front Lots in Beaufort Town shall build thereon in 3 years, and back lots in 4 years after the Ratification of this Act, on Penalty.

Ratified in open Assembly, the 11th day of December, A. D. 1717.

ROBERT JOHNSON,
ALEXANDER SKEEN,
NICHOLAS TROTT,
THOMAS BROUGHTON,
CHARLES HART,
FRANCIS YONGE.

No. 383. *AN ACT* FOR THE BETTER GOVERNING AND REGULATING WHITE SERVANTS.

(The original Act not now to be found. The following is copied from Trott, p. 312.)

WHEREAS, there has of late arrived in this Province great numbers of white servants, which for want of sufficient rules to order, direct and

govern them, have proved of bad consequence to their masters, owners and overseers; for remedy of which for the future,

A. D 1717.

I. *Be it enacted* by his Excellency John Lord Carteret, Palatine, and the rest of the true and absolute Lords and Proprietors of the Province of Carolina, by and with the advice and consent of the rest of the members of the General Assembly, now met at Charlestown for the South and West part of this Province, and by the authority of the same, That all servants shall serve according to his contract or indentures; and where there is no contract or indentures, servants under the age of sixteen years at their arrival in this Province, shall serve until they are of the age of one and twenty years; and if they be above the age of sixteen years, they shall serve five years; and at the expiration of the time aforesaid, shall receive from their master, mistress or employer, a certificate of their freedom on demand; and whoever shall refuse without good cause to give such certificate to any servant whose time is expired, shall forfeit forty shillings for every refusal, to be recovered by the party injured, as is directed in the Act for the Trial of small and mean causes: Provided, that nothing in this Act be construed to extend to any person whatsoever that is brought into this Province, that has not obliged themselves by some contracts to become servants, but such person or persons so brought in, shall pay or cause to be paid to the importer, for his passage, in twenty days after his arrival, in the current money of this Province, allowing for the difference of the exchange of the money of the place from whence they were exported, according to the usual rate of passages from such port or place to this Province.

That all Servants shall serve according to contract, and at the end of their time may demand a certificate of their freedom.

Penalty for denying such certificate.

Proviso.

II. *And be it further enacted* by the authority aforesaid, That all servants brought or transported out of any of his Majesty's colonies in America into this Province, shall complete their servitude here, which they ought to have served in the said colonies, and no more.

Servants brought from other Colonies shall complete their servitude here.

III. *And be it further enacted* by the authority aforesaid, That every master, mistress or other person whatsoever, owning or keeping any servants, whether by virtue of transportation, purchase or otherwise, shall within six months after the receiving such servant into their custody within this Province (except he, she or they claim but five years service of such servants) bring the said servants before the Governour of this Province, or any one of the Lords Proprietors deputies, or any two Justices of the Peace, who are hereby authorized to judge or determine of the age of such servants brought before them, and to return a certificate of such their determination, into the Secretary's office of this Province; and every owner as aforesaid, neglecting or refusing to bring such servant or servants as is before directed, shall not claim above five years service of such servant or servants, any thing herein contained to the contrary notwithstanding.

What Servants are to exceed five years servitude.

IV. And to prevent disputes that may arise about what time servants time of servitude, whether by indenture or otherwise, shall commence, *Be it enacted* by the authority aforesaid, that all servants transported into this Province, whether by indenture or otherwise, or so bound or adjudged as aforesaid, shall commence their time of servitude from the first anchoring of the vessel within this Province in which they were imported.

Time of service to commence from the time of the first anchoring.

V. *And be it further enacted* by the authority aforesaid, That it shall not be lawful for the master or owner of any servants to make any bargain or agreement with his servant to serve him any longer time, before the time of his first service by indenture or otherwise is expired and fully ended; and every such bargain or indenture made by any servant during the time of his service, shall be void and not any ways obligatory on such servant for longer time than by his first indenture, or according to this Act.

Any bargain made during the time of the first service shall be void.

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No person to buy, sell or barter with a servant without the License of the master, on penalty.

VI. And whereas divers ill-disposed persons do secretly and covertly truck and trade with other men's servants and apprentices, who to the great injury of their masters are thereby induced and encouraged to steal, purloyn and embezzel their master's goods; *Be it therefore enacted*, That what person or persons soever shall buy, sell, trade or barter with any servant for any commodity whatsoever, without lycence or consent of such servant's master or mistress, he or they so offending against the premisses, shall forfeit to the master or mistress of such servants, treble the value of the things traded for, bought or sold, and also ten pounds current money to him or them that shall inform for the same, to be within twenty-five days after the fact committed, recovered by such master, mistress or informer as will sue for the same, by action of debt in any court of record within this Province; and in case the person or persons so offending shall not be able to satisfy the same, then such person or persons shall give bond with security, for his or their good behaviour, and to appear at the next general sessions of the peace and general gaol delivery, where, upon conviction by confession or sufficient witnesses, the offender shall be punished by whipping on the bare back, at the watch-house in Charles-town, and all such contracts made with such servants are hereby declared to be utterly null and void.

Penalty on any servant or hired labourer striking his master or mistress.

VII. *And be it further enacted* by the authority aforesaid, That if any servant or hired labourer shall lay violent hands, or beat or strike his or her master, mistress or overseer, and be convicted thereof by confession or evidence of his fellow servant or otherwise, before any two Justices of the Peace in this Province, the said Justices of the Peace are hereby required and authorized to order such servant or labourer to serve his or her master or mistress, or their assigns, any time not exceeding six months, without any wages, after his or her time by indenture or otherwise is expired; or such corporal punishment, to be inflicted by the hands of the constable or some other white person, not exceeding twenty-one stripes, as they shall in their discretion think fitting, according to the nature of the crime.

Penalty on any servant or servants unlawfully absenting him, her or themselves, from his, her or their said master, mistress or overseer, shall for every such day's absence, serve one week, and so in proportion for a longer or shorter time, the whole punishment not to exceed two years over and above the time he or she was to serve by indenture or as is otherwise directed by this Act, and shall satisfy or pay to his, her or their master or mistress, all such cost and charges as shall be laid out and expended for their taking up, by servitude; and the master or mistress of any runaway servant, that intend to take the benefit of this Act, shall as soon as he or she hath recovered him, her or them, carry the said persons before the next Justice of the Peace, and there declare upon oath, or prove by one or more sufficient witnesses, the time of his, her or their absence, and the charge he or she hath been at in his, her or their recovery, which Justice of the Peace thereupon shall grant his certificate, and the Governour and Council, on that certificate, shall pass judgment for the time he shall serve for his absence.

The method of discovering runaway Servants.

VIII. *And be it further enacted* by the authority aforesaid, That any servant or servants unlawfully absenting him, her or themselves, from his, her or their said master, mistress or overseer, shall for every such day's absence, serve one week, and so in proportion for a longer or shorter time, the whole punishment not to exceed two years over and above the time he or she was to serve by indenture or as is otherwise directed by this Act, and shall satisfy or pay to his, her or their master or mistress, all such cost and charges as shall be laid out and expended for their taking up, by servitude; and the master or mistress of any runaway servant, that intend to take the benefit of this Act, shall as soon as he or she hath recovered him, her or them, carry the said persons before the next Justice of the Peace, and there declare upon oath, or prove by one or more sufficient witnesses, the time of his, her or their absence, and the charge he or she hath been at in his, her or their recovery, which Justice of the Peace thereupon shall grant his certificate, and the Governour and Council, on that certificate, shall pass judgment for the time he shall serve for his absence.

IX. And whereas divers persons that by indenture, contract for wages or otherwise, being servants, do many times run away to remote plantations, and there being unknown are entertained by others for wages or shares; for prevention whereof for the future, and for the better discovery of runaways, *Be it enacted* by the authority aforesaid, That all servants at the expiration of their time, shall carry the certificate obtained as is before in this Act directed, to the next Justice of the Peace to his last place of

dwelling, and get the said certificate indorsed and attested by the said Justice of the Peace, who is hereby required to endorse the same without fee or reward, which certificate so attested shall be sufficient warrant for any person to entertain him, her or them in their service; and whoever shall entertain or harbour any servant running away from his master's service, and not having a certificate as aforesaid, shall pay to the master of such servant for every day and night two pounds current money, for all the time he shall harbour or entertain him, so that the whole exceed not treble the value of the servant's time remaining to be served with the master or mistress. Provided, that if such runaway servant shall forge a certificate, and by that means procure himself entertainment, the person entertaining him shall be free from the fine, but the servant or any other person for him forging the certificate, shall be punished for his forgery upon conviction, by standing in the pillory in Charlestown, as the Chief Justice shall direct.

A. D. 1717.

Penalty on persons entertaining a runaway servant.

X. *And be it further enacted* by the authority aforesaid, That if the master or owner of any servant shall at the expiration of the time of any such servant to them belonging, deny or refuse, without just cause for the same, to give a certificate to the same servant as is in this Act directed, such master or owner, for every such denial or refusal, shall forfeit the sum of two pounds current money, to be recovered as in the Act for Trial of Small and Mean Causes is directed, for the use of the poor of the parish where such offence is committed.

Penalty for denying servants certificate.

XI. *And be it further enacted* by the authority aforesaid, That if any freeman shall by any contract agree with any person or persons, and before the time agreed for be accomplished shall depart to another, he shall perform the tenor of his contract first made and pay the apparent damages that shall arise from his breach of covenant, and shall after that is satisfied be liable to the payment of what damages any other contractor with him shall recover of him by law; and whosoever shall employ any free person (handicraft tradesmen excepted) without a certificate from the last employer, of the performance of his or their last bargain or contract, shall forfeit twenty-five pounds, to be recovered by action of debt, in any court of record in this Province, by the person suffering thereby.

The first contract to be performed.

XII. *And be it further enacted* by the authority aforesaid, That in case any servant shall run away in company of any slaves, that every such servant so running away in company with any slave or slaves, shall upon conviction thereof at the general sessions of the peace and gaol delivery of this Province, be deemed a felon, and the punishment of a felon be inflicted on him accordingly, without benefit of clergy.

Servants running away in company with slaves, shall suffer as felons.

XIII. *And to prevent the barbarous usage of servants by cruel masters, Be it enacted* by the authority aforesaid, That every master or mistress shall provide for his servants competent diet, clothing and lodging, and that he shall not exceed the bounds of moderation in correcting them beyond the merit of their offences; and that it shall be lawful for any servant, upon any master or mistress whatsoever, or overseer by order or consent of any such master or mistress, denying and not providing sufficient meat, drink, lodging and clothing, or shall unreasonably burthen them beyond their strength with labour, or debar them of their necessary rest and sleep, or excessively beat or abuse them, to repair to the next Justice of Peace to make his or her complaint; and if the said Justice of Peace shall find by just proof that the said servant's complaint is just, he is hereby empowered for the first offence to admonish the said master, mistress or overseer; and for the second offence, upon complaint made to any two Justices, and upon due proof, the said two Justices may levy and distrain,

Servants injured may complain to a Justice of the Peace.

A. D. 1717.

by a warrant under their hand and seal directed to the next constable, any sum not exceeding ten pounds, to be disposed of for the use of the poor of the parish where the offence is committed; and for the third offence, any two Justices of the Peace shall then be and they are hereby authorized and impowered to associate together, and to sell and dispose of the time of such servant to any other white person for such money as they can get for the same, which shall be paid to the churchwardens of that parish, for the use of the poor; saving the right of the master or mistress of appealing to the Governour and Council from the sentence or judgment of two such Justices of the Peace for the disposal or turning over such servant.

Penalty on
tavern-keepers
entertaining
servants.

XIV. *And be it further enacted* by the authority aforesaid, That if any punch-house keeper, vintner or other person whatsoever, shall entertain any man's servant any time, if the said servants shall be drunk, trade or game during such time, he or they so offending shall forfeit forty shillings, to be recovered as in the Act for small and mean causes is directed.

Persons taking
up runaway
servants.

XV. *And for the encouragement of all persons, to seize or take up runaway servants, it is further enacted* by the authority aforesaid, that all and every person as aforesaid, seizing or taking up such runaway servants, shall (if their master or mistress be known) convey the said runaway servants to their master or mistress at their usual place of residence, and for their service receive the sum of twenty shillings for every runaway servant so taken up, and six pence for every mile; but if the said master or mistress be not known, or live very remote, then the said runaway servant is to be conveyed to the common gaol in Charlestown, which said gaoler is hereby impowered and commanded to receive such runaway and runaways, and to pay the bringer the sum aforesaid, for every such runaway servant so brought to him, on penalty of forty shillings; and that it shall and may be lawful for the marshal to detain and keep in custody the bodies of all such runaway servants so brought to him, until the master or mistress of them, or their assigns, shall pay unto him the full sum which he hath so paid for them, together with the diet as long as they shall continue in the marshal's custody, also two shillings and six pence for every twenty-four hours the said runaway servant hath been in custody; and the said marshal shall within ten days after the receiving such servant or servants, send a message to their master or mistress, at the charge of such master or mistress, and if the marshal shall neglect to send as is above directed, he is hereby made liable to the same fines and penalties as persons are that entertain white servants; and if the said marshal shall suffer any runaway servant so brought to him, to escape before he or she be duly delivered to his master or mistress, or his or their assigns, that then the said marshal shall pay unto the said master or mistress of the said runaway servant so much as he shall be condemned in by verdict of a jury at common law; and it is also lawful for any person to take up any suspected persons and carry him or her to any Justice of the Peace to be examined.

Duty of the
Marshal,

and penalty for
his neglect.

Master's
satisfaction.

Runaways to
be punished by
whipping.

XVI. *And be it further enacted* by the authority aforesaid, That if a master of any runaway servants, or any Justice of the Peace, order any corporal punishment to be inflicted on runaway servants, it shall not deprive the master of the satisfaction allowed by this law, the one being as necessary to reclaim them from further persisting in that idle course, as the other is just to repair the damages sustained by their masters. And if any servant shall offend more than twice in running away, it is hereby ordered that every constable into whose hands the said runaway shall by any Justice of the Peace's warrant be first committed, shall cause him to be severely whipped, and convey him to the next constable towards his

master's house, who is to give him the like correction, and so every constable through whose precincts he passeth to do the like.

A. D. 1717.

XVII. And whereas by several laws of this Province, the breaches against the same are punishable by fines, and as servants during their service are wholly uncapable of paying, and might be encouraged to attempt it should their punishment be respited until their time of service is expired; *Be it therefore enacted* by the authority aforesaid, That in all cases where a freeman is punishable by fines, a servant shall receive corporal punishment, for every twenty shillings fine, nine lashes, and so many such several punishments as there is twenty shillings included in the fine, unless the master or other acquaintance shall redeem them by making payment. And if any person shall by procurement of the servant, upon promise and agreement for future service, pay the fine, and release him from punishment, such agreement made shall bind such servant to performance, after his time by indenture be expired, any thing herein contained to the contrary notwithstanding.

In all cases where a freeman is punishable by fine, a servant shall receive corporal punishment.

Proviso.

XVIII. And whereas it sometimes happens, that servants imported into this Province, being ignorant of the customs here, do sometimes bring in with them a small parcel of goods, or have them sent afterwards by their friends; *Be it therefore enacted* by the authority aforesaid, That all servants bringing in goods with them, not being their own wearing apparel, or having them consigned to them during the time of their service, shall have a property in their own goods, and dispose of the same for their own future advantage.

Servants who bring goods into the Province shall have property in them.

XIX. *And be it further enacted* by the authority aforesaid, That if any person inhabiting and residing in this Province, shall turn away any sick or infirm servant, under pretence of freedom or otherwise, and such servant shall die for want of relief, or become chargeable to any parish, the offender shall forfeit the sum of twenty pounds current money, to the use of the parish where such death or charges shall happen, to be recovered by the church-wardens, by action of debt, in any court of record in this Province, and also receive the said servant if living, and him to maintain during the whole time the said servant had to serve; but if any servant through wilful misbehaviour, shall happen to have the pox, yaws, broken bones, impediment or imprisonment, he or she shall serve their master or mistress double the time thereby neglected, and also all charges occasioned by reason thereof, after their time by indenture or otherwise be expired; and also all masters or mistresses of servants who shall receive unjust molestation by complaints or suits of law, shall have the same remedy for their expences and loss of time.

Penalty on masters turning away sick servants.

XX. *And be it further enacted* by the authority aforesaid, That if any free-man of this Province shall at any time hereafter beget a woman-servant with child, he shall (upon due proof thereof according to the directions of the Act relating to Bastardy) give good security to save the parish harmless, and as a further punishment for his offence, and for and towards satisfaction of the master or mistress of such servant, shall forfeit and pay unto the said master or mistress the sum of ten pounds current money, and shall likewise provide for the maintenance of the said servant during her lying-in, and for the child during the time of the servitude of the said servant, and in case of failure therein shall serve the master or mistress of such servant also during the time she had to serve from the time of her delivery, or shall procure one in his or their stead, that shall be obliged so to do. And in case one servant shall beget another with child, then the man-servant shall after the expiration of his term, serve the master or mistress of the woman-servant, during the time she had to serve

Penalty on any free-man getting a woman-servant with child.

One servant getting another with child shall serve her time.

A. D. 1717.

from the time of her delivery; and if any man shall marry without his master or mistress's consent, he shall serve one year for such offence, or forfeit the sum of twenty pounds; but if any free-man shall marry a servant, he shall be liable to pay the full value of the said servant to her master or mistress, and she shall be free.

Penalty on any white person suffering herself to be got with child by a negro.

XXI. *And be it further enacted* by the authority aforesaid, That any white woman, whether free or a servant, that shall suffer herself to be got with child by a negro or other slave or free negro, such woman so begot with child as aforesaid, if free, shall become a servant for and during the term of seven years; and if a servant, shall finish the time of servitude together with the damages that shall accrue to such person to whom she is a servant, by occasion of any child or children begotten as aforesaid, in the time of her servitude as aforesaid, and after such satisfaction made, shall again become a servant for and during the term of seven years aforesaid; and if the begetter of such a child be a free negro, shall become a servant for and during the term of seven years as aforesaid, to be adjudged by the two next Justices of the Peace where such fact is committed, to the party aggrieved; and the issues or children of such unnatural and inordinate copulation shall be servants until they arrive at the age of the male twenty one years, and the females eighteen years, from the time of their birth. And any white man that shall beget any negro woman with child, whether free or servant, shall undergo the same penalties as white women. All which times of servitude by this Act imposed upon the persons having so offended, to be disposed of or employed as the Governour and Council shall think fit, the produce thereof shall be appropriated towards the relief of the poor of the parish wherein the said offence was committed.

What clothing shall be allowed to servants at the end of their time.

XXII. And as it is customary in other of his Majesty's Colonies in America to make allowances of cloathing to servants at the expiration of their servitude, *Be it enacted* by the authority aforesaid, that every man-servant shall at such time of expiration of their servitude as aforesaid, have allowed and given to him, one new hat, a good coat and breeches, either of kersey or broad cloath, one new shirt of white linnen, one new pair of shoes and stockings; and all women-servants, at the expiration of their servitude as aforesaid, shall have allowed and given them a waistcoat and petticoat of new half-thicks or pennistone, a new shift of white linnen, a new pair of shoes and stockings, a blue apron and two caps of white linnen.

Any disputes not herein provided for, how to be determined.

XXIII. *And be it further enacted* by the authority aforesaid, That if any manner of dispute ariseth between masters and their servants, either in relation to their indenture, contracts, wages, freedoms, or any other matter of difference, not herein provided for, it shall be heard and determined by any two Justices of the Peace, saving the right of appeal of either party to the Governour and Council; and if such appeal prove vexatious, it shall be lawful for the Governour and Council to order such costs and damages to the party injured by such appeal, either by servitude by the servant appealing without reason, or such sums of money as they shall think reasonable, by the master or mistress wrongfully appealing, the defendant to be summoned and not condemned unheard.

Part of a former Act repealed.

XXIV. *And be it further enacted* by the authority aforesaid, That one Act of Assembly of this Province entituled an Act inhibiting the Trading with Servants and Slaves, ratified in open Assembly the sixteenth day of March, one thousand six hundred and ninety-five and six, so far as relates to or concerns servants, be from and immediately after the ratification of

this Act, declared null and void, and that part of the said Act is hereby declared void and repealed. A. D. 1717.

Ratified in open Assembly, the 11th day of December, A. D. 1717.

ROBERT JOHNSON,
ALEXANDER SKEEN,
NICHOLAS TROTT,
THOMAS BROUGHTON,
CHARLES HART,
FRANCIS YONGE.

AN ACT TO CONTINUE TWO CERTAIN ACTS OF ASSEMBLY OF THIS PROVINCE THEREIN MENTIONED. (*Viz.* No. 360* & No. 367.) No. 384.

WHEREAS, the Indian trade, as it is now managed by commissioners, for the sole use, benefit and behoof of the publick of this Province, hath by experience proved not only beneficial to the same, but also of the last consequence to the safety and welfare of this Province in general; and that so good and advantageous laws may be farther continued,

I. *Be it enacted*, by his Excellency John Lord Carteret, Palatine, and the rest of the true and absolute Lords and Proprietors of the Province of Carolina, by and with the advice and consent of the rest of the members of the General Assembly, now met at Charlestown for the South and West part of the said Province, and by the authority of the same, That the Act intituled an Act for the better regulation of the Indian Trade, by empowering Commissioners to manage the same, for the sole use, benefit and behoof of the Publick, which was ratified the thirtieth day of June, in the year of our Lord one thousand seven hundred and sixteen, and limited to continue from the said thirtieth day of June, for the full term and space of two years, and from thence to the end of the next sessions of the General Assembly after, and no longer; as also the Act intituled an Additional Act to an Act intituled an Act for the better regulation of the Indian Trade, by empowering Commissioners to manage the same, for the sole use, benefit and behoof of the Publick, ratified in open Assembly the fifteenth day of December, one thousand seven hundred and sixteen, and limited to continue to be and remain in full force from the time of the ratification thereof, until the thirtieth day of June which shall be in the year of our Lord one thousand seven hundred and eighteen, and from thence to the end of the next sessions of the General Assembly after, and no longer; are hereby enacted and declared to continue in force from the said thirtieth day of June, which shall be in the year one thousand seven hundred and eighteen, until the thirtieth day of June which shall be in the year one thousand seven hundred and twenty-three, and from thence to the end of the next sessions of the General Assembly, and no longer; any matter, clause, or thing, or any limitation in either of the said Acts, or in any other law, to the contrary thereof in any wise notwithstanding.

II. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful, at any time after the ratification of this Act, to and for the Commons House of Assembly, for the time being, and they are hereby empowered and authorized, by order of their said House, to lessen or increase the number of the commissioners appointed for carrying on of the said trade with the Indians, according to the said Act, (provided always,

A D. 1717.

the number of the said commissioners shall not be above five); and the majority of the number so appointed by the House of Commons, shall have full power to transact the affairs of the said trade, as also to enlarge, alter or diminish the several salaries of the cashier and commissioners, according as they shall judge to be most for the interest and benefit of the publick, and for the easier management of the said trade; any thing in this or the above recited Acts contained to the contrary in any wise notwithstanding.

III. *And be it further enacted* by the authority aforesaid, That the Cashier be and he is hereby impowered to pay such additional salary, to each of the commissioners appointed by virtue of this Act, and to himself, as he by an order of the House of Commons, for the time being, shall be directed and required.

IV. *And be it enacted* by the authority aforesaid, That the publick Receiver is hereby authorized and impowered to pay unto the Honourable Robert Johnson, Esq. Governour, or the Governour for the time being, the sum of two hundred pounds more than was formerly paid, as an additional salary, to commence from the twentieth day of December ensuing, in manner and form as the former salary of two hundred pounds is directed in and by the before recited Act of Assembly, ratified June the 30th, 1716, intituled an Act for the better regulation of the Indian Trade, &c., under the same fines, forfeitures and penalties therein mentioned and appointed.

V. *And whereas* there are at this present time a number of slaves and horses, belonging to the inhabitants of this Province, in possession of the Creek, Chickasaw and other Western Indians, now in treaty of peace with this Government, which must be recovered from them by an equivalent, and it being highly reasonable that the first proprietors may have the priviledge of preemption of their own slaves and horses, *Be it enacted* by the authority aforesaid, That upon application made to the Commissioners of the Indian Trade, by any person claiming slaves and horses, now in the possession of the said Indians, it shall be lawful for the said commissioners to grant license to such persons to send goods amongst the said Indians, delivering an invoice of such goods to the said commissioners, and entering into bond, at the same time, on condition to trade or deal for no more than what was formerly their own property, and to render an account of such their trading or dealing to the said commissioners, at their return; and that no such return shall be prolonged to longer time than eighteen months after the ratification of this Act. Provided always, that nothing in this clause shall extend to grant any liberty to any person whatsoever to deal or traffick for any skins or furs, contrary to the true design of this, or the before recited Acts; any thing herein contained to the contrary notwithstanding.

Ratified in open Assembly, the eleventh day of December, A. D. 1717.

ROBERT JOHNSON,
ALEXANDER SKEEN,
NICHOLAS TROTT,
THOMAS BROUGHTON,
CHARLES HART,
FRANCIS YONGE.

Repealed by section 36 of Act of March 20, 1718-9; and by the Lords Proprietors July 22, 1718.

A. D. 1717.

No. 385.

AN ACT TO IMPOWER THE RIGHT HONORABLE THE GOVERNOUR, TO RAISE AND ENLIST SOLDIERS FOR THE DEFENCE OF THIS PROVINCE; AND ALSO TO PROVIDE A FUND FOR DEFRAYING THE CHARGES ARISING THEREBY.

WHEREAS, the uncertain terms this Province stands in, in relation to a peace or war with the Indian nations round us, makes it of absolute necessity to keep on foot certain companies of Soldiers, Rangers and Garrisons, ready to enter on any expedition against them, and to prevent their treacherous incursions against us:

Preamble.

I. *Be it therefore enacted* by his Excellency John Lord Cartaret, Palatine, and the rest of the true and absolute Lords and Proprietors of the Province of Carolina, by and with the advice and consent of the rest of the members of the General Assembly, now met at Charlestown for the south and west part of the said Province, and by the authority of the same, That it shall and may be lawful for the Honorable Robert Johnson, Esq. Governor, or the Commander-in-chief of this Province, for the time being, and he is hereby empowered and desired, to raise the number of one hundred and forty men, officers included, after such method and under such pay and discipline as is hereafter appointed, that is to say, there shall be a warrant issued out, under the hand and seal of the Right Honorable the Governour, directed to the Captains of each respective company in this Province, intimating the number of men to be drawn out of their several companies, including likewise the men belonging to the Troop and each respective Patrol, and the time and place of rendezvous, and thereby commanding them to enlist, in the first place, all such as were formerly enlisted and neglected or refused to be drafted out and go to the place of rendezvous, according to the directions of a late Act of Assembly of this Province, entituled an Act to revive and continue an Act for appointing rangers to guard the frontiers of this Province, ratified in open Assembly the twenty-ninth day of June, one thousand seven hundred and seventeen, and what is wanting of the number required; then the Captain of every company, by the advice and consent of his Lieutenant and Ensign, is to draw out by lot, or otherwise, so many likely and able men of his said company, or the Troop and Patrol within their respective divisions, any thing in the Militia Act, or the Act for appointing a patrol, or in any other Act or law to the contrary thereof notwithstanding, as will make up the number required of him; and the men so enlisted and being compleatly armed, shall be ready to march and appear at the time and place of rendezvous appointed, and there shall follow and obey such officers as shall be placed over them; and in case any man so enlisted shall refuse or neglect to appear as aforesaid (unless hindered by sickness or some other unavoidable necessity) the offender or such person absenting himself shall be deemed, reputed and taken up as a deserter, and as such shall be tryed by the Governour and Council, and being convicted thereof shall suffer such punishment as the Governour and Council shall think fit.

The Governor
empowered to
enlist 140 men,
to be drawn
from the com-
panies through-
out the Prov-
ince.

II. *And be it enacted* by the authority aforesaid, That the men to be raised by virtue of this Act, shall be disposed of for the security and defence of this Province as follows: for the garrison at the Savano town, a Captain, a Lieutenant and fifteen private men, over and above the

How the troops
are to be dis-
posed of.

A. D. 1717.

Pay of officers
and privates.

publick white servants at this present time belonging to the said garrison; for a garrison to be built at the Congarees, a Captain and twelve private men; for the scout boat on Port Royal Island, a Captain and six private men; and for the scout boat to be placed on the water passage leading from St. Augustine into this settlement, a Captain and six private men; and the publick servants at this time belonging to the garrison of Port Royal, shall be equally divided between the two scout boats aforesaid; and for the company of rangers that shall be placed at the old Pallachucola Town, this side Savano River, a Captain, a Lieutenant and twenty-eight private men; and for the company of rangers for Rawlings' plantation, on Edisto Bluff, commonly called the western rangers, a Captain and five private men; and for the company of northern rangers, a Captain and nine private men; and the said seven Captains shall be paid and receive after the rate of fifteen pounds current money, per month, each of them; and the said two Lieutenants shall receive and be paid after the rate of twelve pounds current money per month, to be paid at the end of every three months, which is to commence from the date of their respective commissions; and every private man, who shall be enlisted as aforesaid, shall receive and be paid after the rate of six pounds current money per month, for every month he shall continue in the publick service, to be paid at the end of every three months, and to commence from the day of his enrolment; and the other fifty men, officers included, to be ordered, placed and disposed of as the Governour with the advice of his Council shall think fit, under such commanding officers and under such pay and encouragement as shall be suitable to the nature of the service, so as the same does not exceed, for each private man, ten pounds per month, and for the principal commanding officer, fifty pounds per month, and to the next officer under him, not exceeding twenty-five pounds per month; such two commanding officers and their men to furnish themselves, at their own charge, with horses, arms and accoutrements to be paid at the end of any expedition or service they shall be ordered upon, by such commissioners as are hereafter appointed; which said officers with their respective men, shall follow all such orders and instructions as shall be from time to time given them by the Honorable Robert Johnson, Esq. our Governour, or the Commander-in-chief, for the time being.

Soldiers main-
ed in the war,
to be maintain-
ed at the public
cost.Bounty of £30
for each Indian
scalp.Commissioners,
paymasters and
inspectors
appointed.

III. And for a further encouragement to all persons who shall serve the publick against the Indian enemy, *Be it enacted* by the authority aforesaid, That every person enlisted in the publick service in the war, who shall be maimed in his body or limbs, and thereby rendered incapable of maintaining himself, such person or persons shall be taken care of and maintained at the publick charge, by an Ordinance of the General Assembly, as well for his healing and recovery, as for his maintenance and support. And for a further encouragement for all white persons whatsoever to serve against, and use their endeavours to kill and destroy our Indian enemies, every white man, whether he be enlisted or not in the publick service, shall have and receive the sum of thirty pounds current money, for every entire scalp of a male Indian enemy he shall kill, upon producing the same to the commissioners hereafter mentioned, who are hereby commanded to pay the same.

IV. And that the said officers and soldiers may as fully answer as possible, the end in serving the publick, according to the true intent and meaning of this Act, *Be it further enacted* by the authority aforesaid, That the several persons following shall be, and they are hereby appointed and impowered to be commissioners, paymasters and inspectors of the behaviour of the said several officers and soldiers of the several garrisons,

scouts and companies of rangers aforesaid, that is to say, for the garrisons of the Savano Town and Congaree, the commissioners of the Indian trade; for the scouts on Port Royal and the water passage, Col. John Barnwell and Capt. Thomas Bruce; for the old Pallachucola Range, Major James Cochran and Capt. John Jackson; for the western range, and the fifty men appointed to be disposed by the Governour and Council, Capt. John Canty and Mr. Thomas Dymes; and for the northward range, Mr. Thomas Summers and Mr. Daniel Ravel; and the said commissioners are hereby ordered, directed and impowered to give such further orders and instructions to the said officers and soldiers, as they shall receive from the honorable the Governour or Commander-in-chief; and the said commissioners are hereby further impowered, upon any neglect of duty, breach of orders, or other offence committed by any officer or soldier, belonging either to the garrisons, scouts or rangers, and upon due proof thereof made before them, or if the same be of their own knowledge, that then it shall be lawful for the honorable the Governour or the Commander-in-chief, to defalk and cut off so much of the respective wages of the offender or offenders as aforesaid, as he in his judgment shall deem worthy and proportionable to the nature of the offence committed.

A. D. 1717.

V. *And be it further enacted* by the authority aforesaid, That the said commissioners are hereby impowered, either by themselves or by any other person they can agree with, to furnish and supply the said garrisons, scouts and companies of rangers, with such provisions, and of such qualities, as they in their discretion shall judge sufficient; and if any commander, officer or soldier shall either by connivance or encouragement of such commander, or of their own accord, kill, slay or shoot any cattle, sheep or hogs, under pretence of provision for the publick service, without the consent or privity of the owner thereof, or a warrant from the commissioners aforesaid, such officer or any other person so offending, shall not only forfeit three times the value of whatsoever shall be so killed, unto the owner of the same, but also shall be liable to be sued in any Court of Record in this Province, as well for the said sum as for all other damages as shall be sustained by any person whatsoever, wherein no essoin, protection, privilege, injunction or wager of law shall be admitted or allowed of.

The Garrisons to be furnished with fresh provisions.

Penalty on killing other people's cattle.

VI. *And be it further enacted* by the authority aforesaid, That the commissioners aforesaid shall, before they pay any officer, belonging to any garrison, scout or company of rangers, examine each of them upon oath, what cattle has been killed for their men, on the publick account, during the time he has been employed; who is hereby required to deliver unto the said commissioners the hides and tallow of and belonging to such cattle, or discompt the value thereof out of what pay shall be then due to him.

Officers to be examined on oath, what cattle have been killed for the men.

VII. *And be it further enacted* by the authority aforesaid, That in case any white servant shall be draughted out to serve as a soldier by virtue of this Act, that then the master of such servants shall be entituled to, and shall have and receive to his or their use the full pay, as effectually as if they were free men; the master of such servants, during the said time, finding them clothing and all other necessities. And for the encouragement of such white servants so draughted out, it shall be lawful for the commissioners aforesaid, to pay unto every such servant, after the rate of twenty shillings per month, which he shall have and receive to his own use, without any further demand upon them by their said masters; provided nevertheless, that nothing in this clause shall prevent or hinder any mutual agreement to be made between such master and servant, although the same be different from the method

Servants draughted to receive pay for their own use.

Servants pay 20 shillings per month.

A. D. 1717.

prescribed in the clause aforesaid, any thing therein contained to the contrary notwithstanding.

Servants killed
or taken to be
paid for to their
masters.

VIII. *And be it further enacted* by the authority aforesaid, That if any such servant be in the publick service taken by the enemy, or shall be disabled from labour (who is thereupon hereby declared free) or shall be killed, in all such cases the master or owner of such servants shall be paid and satisfied out of the publick Treasury, to the full value of such servant, according to his qualifications and time of service, as he shall be appraised by three free-holders, who knew such servant, upon their oaths, to be administered by the next justice of the peace, who is hereby impowered to give the same; and the Publick Receiver on certificate thereof, under the hands of the said free-holders, and attested by the justice of the peace aforesaid, is hereby ordered to make due payment according to such appraisement.

A Surgeon to
be employed.

IX. *And be it further enacted* by the authority aforesaid, That the Honorable Robert Johnson, Esq. Governour, or the Commander-in-chief for the time being, shall have power, and he is hereby empowered, to hire and employ one or more able Chirurgions, and to procure medicines, for which the said commissioners are directed to pay, for the use of the said garrisons, scouts or rangers; who for their skill, labour and attendance, shall be allowed and paid by the said commissioners, after the rate of twelve pounds currant money per month, for every month they shall continue in the publick service, and to commence from the time of their being employed.

Governour
may draw
detachments of
Rangers.

X. *And be it further enacted* by the authority aforesaid, That in all cases, and at all times during the limitation of this Act, wherein the right honorable the Governour aforesaid, with the advice and consent of his Council, shall think it necessary, for the safety of this Province, to send on any expedition against our Indian enemies, it shall and may be lawful for the Governour aforesaid, with the advice and consent of his Council, to draw detachments out of the several garrisons and companies of rangers herein before mentioned, such and so many men as he shall think necessary for that expedition, with power to place over them commanding officers, under such pay and encouragements as is before directed; and the Governour aforesaid is hereby further empowered to press all manner of necessities for the use of the said expedition, by warrants under his hand and seal, directed to the said commanding officers of the said expedition; which necessities so impressed, shall be inventoried and accounted for by the said commanding officers unto the commissioners of the western range aforesaid, and the same being valued and appraised by the oaths of two free-holders, certified to the said commissioners by a justice of the peace, it shall be lawful for the said commissioners to pay for the same according to such value so certified to them.

And impress
necessary
articles.

The eight
Indians to be
employed as
the Governour
may direct.

XI. *And be it enacted* by the authority aforesaid, That the eight Indians commonly called Tuskororas, that are at this present time attending on the garrison at Port Royal, be disposed of, either by land or by water, as the commissioners herein before named for the scout boats shall order and direct, pursuant to such instructions as they shall receive from the right honorable the Governour, and they shall be paid and allowed the sum of twenty shillings per month, to be paid them by the commissioners aforesaid.

XII. *Be it further enacted* by the authority aforesaid, That if it shall so happen that there may not be an absolute necessity to keep in pay all the soldiers to be raised by this Act, during the limitation thereof, that in

such case, the right honourable the Governour, with the consent of his Council, shall have power, and they are hereby empowered, to discharge so many of the said soldiers from time to time, as they in their discretion shall think convenient for the safety and advantage of the Province; and in case the forces so disbanded shall have any pay due to them at the time of their discharge, it shall be lawful for the commissioners aforesaid to pay such disbanded soldiers, according to the time of their being discharged, an account of which the Governour aforesaid is hereby requested to certify to the said commissioners, any thing before expressed in this Act to the contrary notwithstanding.

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Soldiers not
needed may be
discharged.

XIII. And be it further enacted by the authority aforesaid, That in case any of the said commissioners shall happen to die, go off, or refuse to transact the business of this Act, it shall be lawful for the Governour aforesaid, or the Commander-in-chief for the time being, to choose another commissioner or commissioners, in the room of such as shall so die, go off, or refuse to act as aforesaid, and such person or persons so chosen as aforesaid, shall have the same power and authority for transacting the business of this Act, as if he or they were named in the body of this Act.

Commissioners
dying or departing.

XIV. And that there may not be money wanting for paying and maintaining the officers and soldiers belonging to the several garrisons, scouts and companies of rangers, and procuring every thing necessary for any service herein designed, *Be it enacted* by the authority aforesaid, That there shall be paid to the Publick Receiver of this Province, for the uses aforesaid, for the liquors, goods, wares, negroes and merchandize hereafter mentioned, over and above all impositions and duties already imposed and payable for the same by the direction of an Act of Assembly of this Province, entituled an Act for laying an imposition on liquors, goods and merchandize imported into and exported out of this Province, for the raising of a fund of money towards defraying the publick charges and expences of the government; ratified in open Assembly the thirtieth day of June, one thousand seven hundred and sixteen; the further rates and duties following, that is to say, that in one month after the ratification of this Act, there shall be laid and imposed upon every pipe of Madera wine, of the growth of the Island of Madera, three pounds; upon every pipe of Faial wine, or any wine of the growth of the western Islands, twelve pounds; upon every dozen of all other wines imported in quart bottles or flasks, five shillings; upon every gallon of such wines, imported in casks, fifteen pence; upon every gallon of rum, four pence half penny; upon every dozen of cyder, beer, ale, stout, mum, or other malt drink, imported in bottles, commonly called quart bottles, three shillings per dozen; upon all cyder, beer and ale in casks containing thirty-two gallons, imported from Europe, ten shillings, and so in proportion for a greater or less quantity; upon every cask of beer imported from the northern Colonies, containing thirty-two gallons, five shillings, and so in proportion; upon every cask of cyder imported from the said Colonies, containing thirty-two gallons, six shillings and six pence, and so in proportion; upon every gallon of molasses, two pence half penny; upon every hundred weight of brown or Muscovado sugar, three shillings; upon every hundred weight of clayed sugar, five shillings; upon every pound of refined loaf sugar, two pence; upon every quart bottle of brandy, rosa solis and all other spirits whatsoever, rum excepted, four pence; upon every gallon of the same, if imported in cask, fifteen pence; upon every hundred weight of cocoa, ten shillings; upon every pound of chocolate made up, four pence half penny; upon every gallon of limejuice, two pence; upon every hundred weight of tobacco, fifteen shillings; upon every ton of logwood,

The Publick
Receiver to furnish money.

Additional
duties on various articles.

A. D. 1717.

Said duties to be paid as under the provisions of a former Act.

Fees of the Public Receiver to be as heretofore.

Accounts of monies received under this Act, to be kept separately.

Loans may be made not exceeding £3000 at 12 per cent interest.

Books of entry and account to be provided.

ten shillings; upon every ton of brazillato wood, five shillings; upon all other sorts of dieing wood, five shillings; upon every hundred weight of scraped ginger, ten shillings; upon every hundred weight of scalled ginger, five shillings; upon every hundred weight of cheese, two shillings; upon every barrel of cranberries, three shillings; upon every hundred weight of candles, five shillings; upon all goods and merchandize of any sort or quality soever, not herein before particularly named, specified or rated, which at any time hereafter shall be imported into this part of this Province, salt and provisions only excepted, for every hundred pounds value, there shall be laid and imposed, to be paid by the importer, after the rate of five pounds for every hundred pounds value thereof, over and above what it is chargable with, by the before recited Act, to be paid and rated as in the said Act is directed; and upon all negro slaves imported into this Province (children under ten years excepted) over and above what they are chargable with by the said Act, the sum of seven pounds per head; provided always, and be it enacted by the authority aforesaid, that the several duties and impositions hereby imposed upon the respective liquors, goods, wares, negroes and merchandize aforesaid, shall be collected and paid unto the Publick Receiver, according to the respective rates and proportions herein expressed, during the limitation of this Act, in the same manner and form, and by such rules, ways, directions and means, drawbacks and allowances, and under such penalties and forfeitures as are mentioned and expressed in the said Act, which said Act and every rule, clause and article therein contained, shall stand and be in force for the purposes aforesaid, during the continuance of this Act; provided always, and be it enacted by the authority aforesaid, that the Publick Receiver, Publick Comptroller and waiters, shall not take or receive any more or additional fees from any merchant or other person entering or clearing with them, but shall only receive such fees as were payable by the afore-recited Act.

XV. *And be it further enacted* by the authority aforesaid, That the Publick Receiver and Comptroller shall keep a separate and distinct account of all monies received by virtue of this Act, from all other monies paid or received by them upon any account whatsoever; and the Publick Receiver offending therein, shall forfeit his place or office.

XVI. And by reason there may be a sufficient sum of money raised by this Act, to answer the pressing exigencies of the publick, *Be it enacted* by the authority aforesaid, That it shall and may be lawful to and for any person or persons whatsoever, to advance and lend to the publick, upon the credit of this Act, any sum or sums of money not exceeding three thousand pounds in the whole, and to have and receive for the forbearance of all such moneys as shall be lent, interest not exceeding the rate of twelve pounds per centum per annum; and Mr. Andrew Allen and Mr. Robert Tradd are hereby empowered to receive all such money so lent, which shall not be rated or assessed to any publick tax or assessment whatsoever.

XVII. *And be it further enacted* by the authority aforesaid, That Mr. Andrew Allen and Mr. Robert Tradd above mentioned, shall provide a book, in which all monies that shall be lent and paid in shall be entered, and that every person or persons whatsoever, who shall lend any money to the public upon the credit of this Act, and pay the same, shall immediately have an order for his or their repayment, directed to the Publick Receiver of this Province, bearing date as the money was lent, in which order shall be also contained a warrant for payment of the interest for forbearance, not exceeding the rates aforesaid, for his or their considera-

tion, to be paid every six months until repayment of his or their principal; and that all orders for repayment of monies shall be paid in course, according to their date, without preference of one before another, (except such as shall be discompted by way of duties,) and that the monies to come in by this Act, shall be in the same order liable to the satisfaction of the said respective orders and persons, their executors, administrators and assigns successively without preference of one before another, and not otherwise, (except as before excepted) and not to be divertable to any other use, interest or purpose whatsoever; and that no fee, reward or gratuity, directly or indirectly, be demanded or taken of any person whatsoever, for the writing out orders, view or search, or in or for the payment of money lent or the interest as aforesaid, by the Publick Receiver, his deputy or clerks; and if any undue preference of one before another (except as before excepted) shall be made by the Public Receiver, contrary to the true intent and meaning of this Act, the said Publick Receiver shall be forejudged from his place and office, and shall be liable by action of debt, or on the case, to pay the value of the debt, damages and costs, to the party grieved.

A. D. 1717.

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All repayments of money to be made in due course according to their date.

XVIII. *And be it enacted* by the authority aforesaid, That the Publick Receiver shall, at the end of every three months after the ratification of this Act, publicly post up an advertisement, at the Watch House in Charlestown, therein giving notice to all persons concerned, how many orders are paid off, and what orders, at such time of giving notice as aforesaid, are in course of payment; which if the Publick Receiver shall neglect to do, he shall forfeit the sum of one hundred pounds, currant money of this Province, to be recovered by any person injured for want of such notice, by action of debt in any Court of Record in this Province. Provided always, that it shall not be interpreted any undue preference, to incur any penalty in point of payment, if the Publick Receiver do pay subsequent orders of persons that come and demand their money and bring their order before the persons that did not come to demand their money and bring their order in their course, so as there be so much money reserved as will satisfy precedent orders, which shall not be otherwise disposed of but kept for them, (interest upon loan being to cease from the time the money is so reserved and kept in bank for them.)

Every three months publick notice to be given what orders are paid off.

XIX. *And be it enacted* by the authority aforesaid, That the money which shall be raised, either upon loan or otherwise, shall be applied and appropriated to and for the payment of the officers and soldiers belonging to the several garrisons, scouts and rangers mentioned in this Act, and providing provisions and other necessaries for the same, and for and towards any expedition that the right honourable the Governour, with the advice of his Council, shall think convenient to be sent out against our Indian enemies, and providing necessaries for the said expedition, as is herein before directed; and the commissioners for receiving the loan, and the Publick Receiver, when any money remains in his hands, after the orders with the interest drawn on him are paid, are hereby ordered and directed to pay all such monies that shall come or remain in their hands, unto the commissioners of the rangers appointed by this Act, for the several divisions and places herein directed, in proportion and after the rate as the charges and expense of each division being computed for six months, shall amount to; and if the Publick Receiver, or any commissioner of the loan, or any commissioner or commissioners of the garrisons, scouts or company of rangers, shall wittingly and willfully divert or misapply any part of the money hereby appropriated, to any other purpose than to the uses hereby directed, contrary to

How monies received are to be applied.



A. D. 1717.

Limitation of  
continuance.

the true intent of this Act, such Publick Receiver or commissioner or commissioners so offending, shall forfeit trible the sum so misapplied.

XX. *And be it enacted* by the authority aforesaid, That the first part of this Act, relating to raising forces for the defence of this Province, and every thing relating thereto, do continue in full force from the day of the ratification of this Act, for the space of six months, and no longer; and also the latter part of this Act, relating to the additional duties on liquors, goods, negroes and other merchandize, do continue in force until the sum of Twelve Thousand Pounds, with the interest of so much of the said sum, that shall be due from the publick for so much of the said sum as shall be lent on the credit of this Act, shall be levied, recovered and received, and the said sum of Twelve Thousand Pounds with the interest aforesaid, shall be punctually paid and discharged, and no longer; any thing herein contained to the contrary notwithstanding.

*Ratified in open Assembly, the 11th day of December, A. D. 1717.*

ROBERT JOHNSON,  
A. SKEENE,  
NICHOLAS TROTT,  
THOMAS BROUGHTON,  
CHARLES HART,  
FRANCIS YONGE.

NOTE.—The first part of this Act from section 1 to 14 expired. The second part from section 15 to the end, repealed by section 32 of Act of March 20, 1718-9.

The said second part from section 15 to the end, repealed pursuant to an order of his Majesty in Council, by an instrument under the several hands of the Lords Proprietors, and under the great seal of the Province. Dated July 22, 1718, as followeth.

*His Excellency JOHN Lord CARTERET, Palatine, and the rest of the true and absolute Lords and Proprietors of the Province of Carolina, in America,*

*To the Governour and Council of South Carolina, for the time being :*

The Lords  
Proprietors re-  
peal of the  
several Acts  
within men-  
tioned.

HIS Majesty having been pleased by his order in Council bearing date the 14th of May, 1718, to signify his royal pleasure to us the Lord Palatine and the rest of the Lords Proprietors of the Province of South Carolina, that we should forthwith Repeal an Act they passed in that Province, of pernicious consequence to trade and repugnant to the laws and customs of Great Britain, wherein a duty is laid of ten pounds per cent. upon all goods of British manufactory imported into that Province from Great Britain : We, therefore, the Lord Palatine and the rest of the Lords Proprietors of Carolina, in obedience to his Majesty's commands, repeal the said Act, and we hereby do declare the said Act laying a duty of ten pounds per cent. upon all goods of British manufactory imported into that Province from Great Britain, and all matters therein contained, to be null and void to all intents and purposes whatsoever.

We having also taken into our consideration, an Act, entituled, an Act declaring the right of the House of Commons for the time being, to nominate the Publick Receiver, &c. and finding the said Act to be inconsistent with the safety, welfare and good government of the Province of South Carolina, and inconsistent with and contrary to the usage and custom of

Great Britain, do declare the said Act, entituled an Act declaring the right of the House of Commons for the time being, to nominate the Publick Receiver, &c. to be null and void, and we do hereby repeal, make null and void the said Act, and every clause, matter and thing therein contained, to all intents and purposes whatsoever.

A. D. 1717.

We likewise have read and considered two Acts of Assembly, the one entituled an Act to keep inviolate and preserve the freedom of elections, and appoint who shall be deemed and adjudged capable of chusing or being chosen members of the Commons House of Assembly, the other entituled an additional and explanatory Act to the foregoing Act, and finding the said two Acts tend to the entire alteration and subversion of the Constitution of the Province of South Carolina, and are contrary to the laws and customs of Parliament in Great Britain, we therefore do declare the said two last mentioned Acts to be null and void, and we do hereby repeal, nullifie and make void the said two Acts, and every clause, matter or thing therein contained whatsoever.

We have read also two other Acts of Assembly, the titles of which are an Act to appropriate the Yamasee lands to the use of such persons as shall come into and settle themselves in this Province, and to such other persons qualified as therein mentioned, and an Act to grant several privileges, exemptions and encouragements to such of his Majesty's Protestant subjects as are desirous to come into and settle in this Province, which two Acts being an encroachment upon the property of us the Lords Proprietors, and tend only to the disposal of our estates, to which the Assembly can pretend no manner of right, we therefore do declare the said two Acts to be null and void, and we do hereby repeal, annul and make void the said two Acts, and every matter or thing therein contained, to all intents and purposes whatsoever.

We having received a petition from Mr. Joseph Boon, Mr. Stephen Godin, Mr. Samuel Barons, and several other merchants of London, complaining of the Indian trade Act as a monopoly, viz: the carrying on a trade by a Company exclusive of all others; and his Majesty having been graciously pleased, upon application made to him by the merchants of London, to repeal the law made in Virginia to the same effect, we the Lord Palatine and the rest of the Lords Proprietors of the Province of South Carolina, do think it proper to repeal and make void the said Indian Trade Act, and it is hereby repealed, annulled and made void, to all intents and purposes whatsoever.

*Given under our hands and the great seal of the Province this  
22d day of July, Anno Domini, 1718.*

CARTERET, Palatine,  
JA. BERTIE, for Duke of Beauford,  
FULWAR SKIPWITH, for Lord Craven,  
M. ASHLEY,  
J. COLLETON,  
J. DANSON.

NOTE.—The Acts objected to by the Proprietors are Nos. 373, 357, 372,\*\* 360,\* 367, 384. In the second vol. of Carroll's Historical Collections, from page 146 to 192, is a very interesting account of the revolution of 1719, to which the preceding instrument of repeal paved the way.

A. D. 1717.

No. 386. *AN Additional ACT* TO AN ACT ENTITLED AN ACT FOR LAYING AN IMPOSITION ON LIQUORS, GOODS, AND MERCHANDIZES, IMPORTED INTO AND EXPORTED OUT OF THIS PROVINCE, FOR THE RAISING A FUND OF MONEY TOWARDS THE DEFRAYING THE PUBLICK CHARGES AND EXPENCES OF THE GOVERNMENT; RATIFIED IN OPEN ASSEMBLY THE 30TH DAY OF JUNE, 1716.

Preamble.

Duty of £30  
on slaves  
brought into  
this Province:

Former duty  
continued.

WHEREAS, amongst other things in the above recited Act, it is enacted that all negro slaves (excepting children not exceeding ten years of age) which shall three month after the ratification of the said Act, be imported into this Province, that have been and resided in any of the Colonies in America the term and space of five months, shall pay unto the Publick Receiver as a duty, the sum of Thirty Pounds, currant money of this Province. And all persons importing any slaves into this Province, not producing a certificate to the Comptroller attested by the proper persons, setting forth the name of the ship they came in, and the time they were imported into that port, whence they are brought hither, shall be liable to pay for every such slave or slaves (children under ten years old excepted) so imported, the above duty of Thirty Pounds currant money, per head. Now whereas several persons importing slaves into this Province, being ignorant of the said law, believing that the proving by oath before the proper officers in this Province that the slaves imported by them were not above five months in any of the Colonies of America, was equivalent to such certificate required of them, which being highly reasonable and answering the true intent and meaning of the said Act,

I. *Be it therefore enacted*, by his Excellency John Lord Carteret, Palatine, and the rest of the true and absolute Lords and Proprietors of the Province of Carolina, by and with the advice and consent of the rest of the members of the General Assembly, now met at Charlestown for the South and West part of the said Province, and by the authority of the same, That from and after the ratification of this Act, if any master of any ship or vessel, merchant, or other persons importing negroes into this Province from any of the Colonies in America, neglecting to produce a certificate as by the said Act is directed, it shall be lawful for the Comptroller of this Province to take the oath of such master, merchant or persons importing such negroes, relating to the time such negroes were imported into any port in America, and in what vessel the said negroes were imported, and if such proof being made pursuant to the true intent and meaning of the said Act, then the importer shall not pay more duties for the said negroes than is by the said law imposed and payable for negroes imported directly from Africa, any thing in the said Act contained to the contrary notwithstanding.

II. And for the further encouragement of building and owning of shipping in this Province, *Be it enacted* by the authority aforesaid, That all liquors, goods, negroes, wares and merchandizes, that shall be imported into this Province, in any ship or vessel wholly owned by the inhabitants residing in this Province, provided such ship or vessel was built in this Province, shall be and they are hereby declared free and clear of all manner of duties payable by any of the laws in force in this Province, by any other ship or vessel or other persons whatsoever.

III. *And be it further enacted* by the authority aforesaid, That all liquors, goods, negroes, wares and merchandizes, which shall be imported



into this Province in ships or vessels built here, though the owners live out of the same, shall be liable to pay but one half of the duties payable by any of the laws in this Province by all other persons whatsoever.

A. D. 1717.

IV. *And be it further enacted* by the authority aforesaid, That all the said liquors, goods, negroes, wares and merchandizes, which shall be imported in any ship or vessel, wholly owned and belonging to the inhabitants of this Province, though such ships or vessels was built out of this Province, shall be liable to pay but three quarters of the duties payable by any of the said laws in force in this Province as aforesaid; and in order to prevent any person or persons imposing on the Publick by falsely pretending that such their ships or vessels belong entirely to the inhabitants of this Province, the Publick Receiver is hereby authorized and required to administer an oath to the owner or owners of such ship or vessel, entering with him in his office, and claiming the benefit of this Act, importing that no person or persons not residing in this Province, hath any part or share in such vessel, but that every part thereof belongs wholly and solely to the inhabitants residing in this Province; provided always, and it is hereby enacted and declared, that nothing in this Act shall extend or be construed to extend to exempt any person, owner or merchant whatsoever, to pay the additional duty laid on negroes imported into this Province by one other Act of this present session of Assembly, entituled a further and additional Act to an Act entituled an Act for the better governing and ordering of negroes and all other slaves; any thing in this Act contained to the contrary thereof in any wise notwithstanding.

V. *And be it further enacted*, by the authority aforesaid, That this Act and every thing therein contained, do continue in full force for three years and from thence to the end of the next session of the General Assembly, and no longer.

*Ratified in open Assembly, the 11th day of December, A. D. 1717.*

A. SKEENE,  
NICHOLAS TROTT,  
CHARLES HART,

ROBERT JOHNSON,  
THOMAS BROUGHTON,  
FRANCIS YONGE.

Repealed by Act of 20th March, 1718-9, and by the Lords Proprietors previously, February 27, 1718-9, as appears by the following letter from the Lords Proprietors to the Governour and Council, viz:

ST. JAMES, FEBRUARY 27, 1718-9.

*To the Governour and Council of South Carolina.*

*Gentlemen:*

WE think it highly unreasonable and unjust, that in matters relating to the trade, any difference or distinction should be made between his Majesty's subjects residing in Great Britain and those that live in our Province of South Carolina, or that any greater duty should be imposed on ships built in Great Britain than on ships built in Carolina; wherefore we the Lord Palatine and the rest of the Lords Proprietors of the Province of South Carolina in America, do think it proper to repeal and make void an Act of Assembly entituled an additional Act to an Act entituled an Act for laying an imposition on liquors, goods and merchandizes, &c. and we do hereby declare the said Act, and all matters and things therein contained, to be repealed, made null and void, to all intents and purposes whatsoever.

*Given under our hands and the great seal of our Province of Carolina, the day and date first above written.*

CARTERET, Palatine,  
JA. BERTIE, for Duke of Beauford,  
FULWAR SKIPWITH, for Lord Craven,  
M. ASHLEY, J. COLLETON, J. DANSON.

A. D. 1717.

No. 387. *AN Additional ACT* to an Act entitled an Act to continue the currency of Thirty Thousand Pounds in Bills of Credit, stamped and made by virtue of an Act of the late General Assembly of this Province, entitled an Act to raise Forces to prosecute the War against our Indian enemies, and to stamp Bills of Credit for the payment of the Army and defraying the charges of the War, and to ascertain a Fund for cancelling the same Bills, &c., ratified in open Assembly the twenty-seventh day of August, 1715. As also, to continue the currency of Five Thousand Pounds in Bills of Credit, made by virtue of an Act of this present General Assembly, ratified the twenty-fourth day of March, 1715-6, entitled an Act for raising Forces to prosecute the War against our Indian enemies, and to stamp Bills of Credit for payment of arrears due to the soldiers enlisted in the Army, &c. As also, to stamp the sum of Fifteen Thousand Pounds in Bills of Credit, for supporting and carrying on the present War against our Indian enemies and defraying the charges of the same; and also to raise and levy the sum of Ninety-five Thousand Pounds, that is to say, Thirty-five Thousand Pounds for this present year, one thousand seven hundred and sixteen, and the sum of Thirty Thousand Pounds per annum for the two succeeding years, of and from the Lands and Negroes of the inhabitants of this Province, for the paying off and discharging the publick debts already contracted, by reason of the present Indian War or otherwise; and in order to sink the several sums of Thirty Thousand Pounds, Five Thousand Pounds, and Fifteen Thousand Pounds, stamped and to be stamped in Bills of Credit as aforesaid, and for other the purposes hereinafter mentioned, and for apportioning the sum of Sixteen Thousand Pounds, part of the aforesaid Tax, on the merchants and other inhabitants living and residing within the limits of the Town Plat of Charlestown, ratified the thirtieth day of June, one thousand seven hundred and sixteen.

Preamble. WHEREAS, by an Act of the General Assembly of this Province, duly ratified in open Assembly the thirtieth day of June, 1716, entitled an Act to continue the currency of Thirty Thousand Pounds in bills of credit, stamped and made by virtue of an Act of the late General Assembly of this Province, entitled an Act to raise forces to prosecute the War against our Indian enemies, and to stamp bills of credit for the payment of the Army and defraying the charges of the war, and to ascertain a fund for cancelling the same bills, &c., ratified in open Assembly the twenty-seventh day of August, one thousand seven hundred and fifteen; as also to continue the currency of Five Thousand Pounds in bills of credit made by virtue of an Act of this present General Assembly, ratified the twenty-fourth day of March, one thousand seven hundred and fifteen, entitled an Act for raising forces to prosecute the war against our Indian enemies, and to stamp bills of credit for payment of arrears due to the soldiers enlisted in the army, &c.; as also to stamp the sum of fifteen thousand pounds in bills of credit, for supporting and carrying on the present war against our Indian enemies and defraying the charges of



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the same; and also to raise and levy the sum of ninety-five thousand pounds (that is to say) thirty-five thousand pounds for the present year one thousand seven hundred and sixteen, and the sum of thirty thousand pounds per annum for the two succeeding years, of and from the lands and negroes of the inhabitants of this Province, for the paying off and defraying the publick debts already contracted or to be contracted by reason of the present Indian war, or otherwise; and in order to sink the said several sums of thirty thousand pounds, five thousand pounds and fifteen thousand pounds, stamped and to be stamped in bills of credit as aforesaid, and for other the purposes hereinafter mentioned, and for apportioning the sum of sixteen thousand pounds, part of the aforesaid tax, on the merchants and other inhabitants living and residing within the limits of the town plat of Charlestown; amongst other things, it is enacted, that the sum of ninety-five thousand pounds be raised and levied upon the lands and negroes of the inhabitants planters, residing in the several counties of this Province, and upon the estates of the merchants and other inhabitants in Charlestown, at such days and times, and after such manner and form, and by such persons as are therein mentioned and directed, that is to say, thirty-five thousand pounds, on or before the second Tuesday in March, 1716-7; thirty thousand pounds on or before the second Tuesday in March, 1717-8, and thirty thousand pounds on or before the second Tuesday in March, 1718-9; and by the said Act, it is further enacted and declared, that the said sum of thirty-five thousand pounds, ordered to be paid on the said second Tuesday in March, 1716-7, shall be applied, fifteen thousand pounds, part thereof, towards paying of the orders mentioned in the first course of payment with interest, and fifteen thousand pounds, other part thereof, towards cancelling the bills of credit stamped by the said Act, and the remaining five thousand pounds to be paid to the commissioners for managing the Indian trade; but by one other Act of Assembly, duly ratified in open Assembly the fifteenth day of December, 1716, entitled an Act for appointing rangers, to guard the frontiers of this Province against the incursions of our Indian enemies, and for making further provision for the garrisons of Port Royal and Savano Town, amongst other things, it is enacted and declared, that the said sum of fifteen thousand pounds, which by the first recited Act was applied to the cancelling the said fifteen thousand pounds in bills of credit, should be paid into the custody of Ralph Izard, Esq. to be applied to such uses as is thereafter directed; any thing in the first recited Act, to the contrary notwithstanding; so that the said fifteen thousand pounds in bills of credit, was not sunk and cancelled, according to the direction of the first recited Act of the thirtieth of June, 1716: And whereas, it is found by experience that the multiplicity of the bills of credit hath been the cause of the ruin of our trade and commerce, and hath been the great evil of this Province, and that it ought with all expedition to be remedied: And whereas there is now outstanding, in bills of credit, over and above the bills commonly called the Bank bills, the sum of thirty thousand pounds, the sum of five thousand pounds, the sum of fifteen thousand pounds, and the sum of four thousand pounds, commonly called the Tuscorora bills, in all the sum of fifty-four thousand pounds: And whereas, by the first recited Act of the thirtieth of June, 1716, it is also enacted and declared, that the sum of thirty thousand pounds, thereby intended to be raised for the year one thousand seven hundred and seven-



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teen, shall be paid and applied by the commissioners for that purpose named, towards cancelling and sinking the orders and the interest thereon, which shall become due by the second course of payment, and the residue, if any, be towards cancelling and sinking the bills of credit of thirty thousand pounds, stamped and made by virtue of the Act of the twenty seventh of August, one thousand seven hundred and fifteen: And whereas the said orders, and the interest thereon, doth amount unto the sum of twenty thousand pounds, so that upon the payment of the tax of thirty thousand pounds, at March next ensuing, there will be cancelled and sunk of the said bills of credit, but the sum of ten thousand pounds: And whereas it is the resolution of both Houses of Assembly, that all the above mentioned bills of credit, (the Bank bills only excepted,) amounting unto the said sum of fifty-four thousand pounds, shall be sunk by, on or before the second Tuesday in March, which will be in the year one thousand seven hundred and eighteen, that is to say, twenty-four thousand pounds at March next, and the other thirty thousand pounds the March following, according to the directions of the above recited Act of the 30th of June, 1716. And therefore, in order to cancel and sink the said sum of twenty-four thousand pounds in bills of credit, by March next, and for the paying of the passages of white people, that are already come, and for those expected to come and settle in this Province, it will be necessary that the sum of seventeen thousand pounds be raised by an additional tax, to be paid at the same time, that is to say, fourteen thousand one hundred and sixty-seven pounds on the lands and negroes of the inhabitants, planters and others, residing, living and interested in the several counties of this Province; and two thousand eight hundred thirty-three pounds, upon the several estates, real and personal, stocks and abilities, of the several merchants and other inhabitants living or residing within the limits of the town plat in Charlestown;

£17,000 to be  
raised.

I. *Be it therefore enacted* by his Excellency John Lord Carteret, Palatine, and the rest of the true and absolute Lords and Proprietors of this Province, by and with the advice and consent of the rest of the members of the General Assembly, now met at Charlestown for the South and West part of this Province, and by the authority of the same, That over and above the said sum of thirty thousand pounds appointed to be raised for this present year one thousand seven hundred and seventeen, to be paid on or before the second Tuesday in March next, that there be raised by an additional tax the sum of seventeen thousand pounds, that is to say, the sum of fourteen thousand one hundred sixty-seven pounds, on the lands and negroes of the inhabitants, planters and others, residing, living and interested in the several counties of this Province, and two thousand eight hundred thirty-three pounds, upon the several estates, real and personal, stocks and abilities of the several merchants and other inhabitants living and residing within the limits of the town plat in Charlestown; which said sum of seventeen thousand pounds, being the additional tax to be paid on or before the said second Tuesday in March next, shall be inquired of by the same inquisitors, and assessed by the same assessors, and paid to and recovered by the same commissioners, as are appointed and impowered thereunto, by the before-recited Act of the thirtieth of June, 1716, intituled an Act to continue the currency of thirty thousand pounds in Bills of Credit, &c., or any other Act explanatory of the same and now of force, under the same pains and penalties therein mentioned, and after such form, manner, times of inquiring, assessing and other methods, as fully as if the said Act for continuing the currency of thirty thousand pounds in bills of credit, &c., or any Act explanatory of the

same, were here inserted, so far as relates to the duties and offices of the assessors, inquisitors or commissioners therein named. A. D 1717.

II. *And be it further enacted* by the authority aforesaid, That the said commissioners in the before recited Act named and appointed, and unto whom the said additional tax of seventeen thousand pounds is to be paid on or before the second Tuesday in March next, shall apply the sum of fourteen thousand pounds in sinking and cancelling the said bills of credit, and to no other use, intent or purpose whatsoever; and also the sum of three thousand pounds in the paying of the passages of the white people already arrived, and for those expected to come and inhabit in this Province, and to no other use whatsoever; which said three thousand pounds shall be paid by them, by order of the Governour and Council, to such person or persons importing white people, upon their indorsing over the bonds or other written contracts or agreements given by such white people for their said passages, for the use of the publick; which bonds and written agreements shall be payable and recoverable by the publick Receiver in four years after the arrival of such white passengers; and all such moneys as shall be paid in and recovered by the publick Receiver, shall forever hereafter be appropriated to the paying of the passages of white people, and to no other use whatsoever. Application of the aforesaid £17,000.

III. *And be it further enacted* by the authority aforesaid, That over and above the said sum of thirty thousand pounds, appointed to be raised for the year one thousand seven hundred and eighteen, that there be raised by an additional tax, the sum of four thousand one hundred sixty-seven pounds, on the lands and negroes of the inhabitants, planters and other persons, residing, living and interested in the several counties of this Province, and eight hundred thirty-three pounds upon the several estates, real and personal, stocks and abilities of the several merchants and other inhabitants living and residing within the limits of the town plat in Charlestown; which said sum of five thousand pounds, being the additional tax to be paid on or before the said second Tuesday in March, which will be in the year of our Lord one thousand seven hundred and eighteen, shall be inquired of by the same inquisitors, and assessed by the same assessors, and paid to and recovered by the same commissioners, as are appointed and impowered thereunto by the before recited Act of the 30th of June, 1716, intituled an Act to continue the currency of thirty thousand pounds in Bills of Credit, &c., or in any other Act explanatory of the same and now of force, under the same pains and penalties therein mentioned, and after such form, manner, times of inquiring, assessing and other methods, as fully as if the said Act for continuing the currency of thirty thousand pounds in Bills of Credit, &c., or any other Act explanatory of the same, were here inserted, so far as relates to the duties and offices of the assessors, inquisitors or commissioners therein named. An additional tax of £5000.

IV. *And be it further enacted* by the authority aforesaid, That the said commissioners, in the before recited Act named and appointed, and unto whom the said additional tax of five thousand pounds is to be paid on or before the second Tuesday in March, which will be in the year of our Lord one thousand seven hundred and eighteen, shall apply the sum of five hundred pounds to the urgent and pressing contingent charges of the war, to be deposited by the said commissioners in the hands of Captain Anthony Matthews, Mr. Andrew Allen, and Mr. Robert Tradd, or any two of them, to be thence drawn out by order of the right honourable the Governour, by the advice and consent of his Council; and the sum of four thousand five hundred pounds, being the Application of the sum raised.



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remaining part of the said sum of five thousand pounds, in discharging such orders as are or shall be drawn on the publick Receiver by the commissioners appointed for auditing the publick accounts, with the interest thereon, which interest shall commence January the first, one thousand seven hundred and sixteen; and what remains shall be applied in discharging such other debts as shall be due from the publick, at any time before the ratification of this Act, and to no other use, intent or purpose whatsoever; and the said sum shall be deposited by the said commissioners in the hands of the publick Receiver, to be paid by him to the said use, and to no other use whatsoever.

Further time  
allowed to the  
Enquirers.

V. *Whereas*, the time limited for the inquirors of the several parishes in this Province, appointed by the Act commonly called the Tax Act, to make their several returns, is grown very short, and so far lapsed that they cannot well, by the time in the said Act inserted, complete their said returns, as is in and thereby required of them; and as a longer time is absolutely necessary to be allowed the said inquirors for that purpose; *Be it therefore enacted* by the authority aforesaid, that the said inquirors be allowed further time, that is to say, until the last Tuesday in January next, to make their returns unto the assessors appointed by the said Act, under the same penalties and forfeitures for neglect of their duty therein, as are in the said Act mentioned, or in any other Act explanatory of the same, any thing herein to the contrary contained in any wise notwithstanding.

Inhabitants to  
give in the  
particulars of  
their estates  
on oath.

VI. *Whereas*, by means of sickness, or other accident, it may so happen that two or more of the inquirors cannot go together to take an account of the persons estates in their several parishes or precincts, *Be it therefore enacted*, that it shall and may be lawful for any one inquisitor, by the Tax Act appointed, after the ratification of this Act, to take an account, upon oath, from the several persons in each respective parish or precinct in this Province, of the particulars of their estates, as is in the said Act directed and appointed; any thing therein contained to the contrary in any wise notwithstanding.

Repeal of some  
former enact-  
ments.

VII. *And be it further enacted* by the authority aforesaid, That the two last clauses contained in the Act of Assembly intituled an Act for appointing Rangers to guard the frontiers of this Province against the incursions of our Indian enemies, and for making further provision for the garrisons at Port Royal and Savano town, duely ratified in open Assembly the fifteenth day of December, one thousand seven hundred and sixteen, relating to a tax of fifteen thousand pounds, to be raised and paid on the second Tuesday in March, which will be in the year one thousand seven hundred and nineteen, as is therein directed, shall be repealed, annulled, revoked, and for ever made void; and the said two clauses are hereby repealed and made void, any thing in the said Act to the contrary whatsoever in any wise notwithstanding.

*Ratified in open Assembly, the 11th day of December, A. D. 1717.*

ROBERT JOHNSON,  
ALEXANDER SKEENE,  
NICHOLAS TROTT,  
THOMAS BROUGHTON,  
CHARLES HART,  
FRANCIS YONGE.

Repealed by section 37 of Act of February 20, 1718-9, for raising the sum of £70,000.



A. D. 1718.

A FURTHER ADDITIONAL ACT to an Act entituled an Act for the better ordering and governing Negroes and all other Slaves; and to an Additional Act to an Act for the better ordering and governing Negroes and all other Slaves.

No. 388.

(Ratified December 11, 1717. The Acts referred to are No. 314 and No. 344. *See last volume.*)

AN ACT TO IMPOWER THE HONOURABLE THE GOVERNOUR TO RAISE FORCES TO BE SENT TO THE ASSISTANCE OF THE CHAROKEES AGAINST THEIR ENEMIES, AND FOR THE PROVIDING FOR THE SUBSISTENCE AND PAYMENT OF THE SAME.

No. 389.

WHEREAS, the safety of this Province does, under God, depend on the friendship of the Charokees to this Government, which is in dayly danger of being lost to us by the war now carried on against them by divers nations of Indians, supported by the French, with the design to reduce them to the obedience and dependance of that enterprizing nation; and for the preventing of so great a danger, as much as in us lies,

Preamble.

I. *Be it enacted*, by his Excellency John Lord Carteret, Palatine, and the rest of the true and absolute Lords and Proprietors of the Province of Carolina, by and with the advice and consent of the rest of the members of the General Assembly, now met at Ashley River Ferry House, for the South and West part of the said Province, and by the authority of the same, That it shall be lawful for the Honourable the Governour, immediately after the ratification of this Act, to commission one Captain and one Lieutenant, empowering them to raise and enlist eight and forty able bodied white men, and with the said men well armed and accoutred to march and encamp in such place on the frontiers of this Province as the Governour shall appoint, there to act as rangers for the defence of the same, until such time as the Honourable the Governour, with the advice of his Council, shall think proper to send them to the assistance of the Charokees.

Enlistment of  
48 men,

II. *And be it further enacted* by the authority aforesaid, That if upon further information the Honourable the Governour aforesaid, with the advice of his Council, shall find it absolutely necessary to augment the number of the said white men, to be sent as aforesaid, it shall also be lawful for the said Governour to issue out orders for raising and enlisting so many more white men under the command of such other officers, as he shall judge sufficient to assist effectually the said Charokees against their said enemies; and all such additional forces shall be under the same pay and discipline as the aforesaid forty-eight men and officers are by this Act.

or more if  
necessary.

III. *And be it further enacted* by the authority aforesaid, That the captain of the said forty-eight men shall have and receive from the publick of this Province after the rate of thirty pounds a month, the lieutenant twenty pounds a month, and each private man ten pounds a month, for so long time as they shall be employed in the publick service, to be paid to them at the end of the expedition to the Charokees, or at the time of their discharge from the said service.

Pay of the  
forces enlisted.

A. D. 1718

Assessment to  
raise £10,000.

IV. *And whereas* the publick treasury of this Province is at this time exhausted, and as it is absolutely necessary for the safety of the same to provide for the subsistence and payment of the said forces, which cannot be done otherwise than by a tax on the inhabitants of the same; *Be it therefore enacted* by the authority aforesaid, that there shall be raised and levied the sum of Ten Thousand Pounds, that is to say, the sum of eight thousand three hundred and thirty-three pounds six shillings and eight pence, on the lands and negroes of the inhabitants, planters and others, residing, living and interested in the several counties in this Province; and one thousand six hundred sixty-six pounds thirteen shillings and four pence, upon the several estates, real and personal, stocks and abilities, of the several merchants and other inhabitants living and residing within the limits of the town plott in Charlestown, and upon the trading stocks of all and every person or persons who now do or shall hereafter, during the limitation of this Act, keep publick storehouses and vend goods and merchandizes in any part of this Province; which said sums, of eight thousand three hundred thirty-three pounds thirteen shillings and 4 pence, and of one thousand six hundred sixty-six pounds six shillings and eight pence, shall be paid on the second Tuesday in March which shall be in the year of our Lord one thousand seven hundred and nineteen, unto the commissioners appointed by an Act of Assembly of this Province intituled an Act for raising the sum of ninety-five thousand pounds, &c. ratified the thirtieth day of June, Anno Dom. one thousand seven hundred and sixteen, and shall be enquired of by the same inquisitors and assessed by the same assessors as are appointed and impowered thereunto by the afore recited Act, or any other Act explanatory of the same, under the same pains and penalties therein mentioned, and after such form and manner, times of inquiring, assessing and other methods, as fully as if the said Act of the thirtieth of June, one thousand seven hundred and sixteen, or any Act explanatory of the same, were here inserted, so far as relates to the duties and offices of the assessors, inquisitors or commissioners therein mentioned.

Commissioners  
appointed.Orders for pay  
due, to bear  
interest at 15  
per cent. per  
annum.

V. *And whereas* the several sums of money payable as well for the subsistence as the pay of the said several forces, will become due to them before any money to be raised by this Act can be paid in to the said commissioners, it shall be lawful for Mr. William Gibbon, Mr. Samuel Eveleigh, and Captain William Dry, who are hereby appointed commissioners of this Act, to draw orders on the said commissioners of the tax, payable out of the money to be raised by this Act, unto such persons who shall furnish provisions or other necessaries for the said forces, or the said expedition, and to the officers and soldiers who shall serve in the same, for their wages, in proportion to what time they served; which said orders shall from the date thereof bear interest of fifteen pounds per centum per annum, until they are discharged by the commissioners for receiving the said tax. And it shall be lawful for the commissioners to receive and discount any such orders as shall be tendered to them in lieu of money in payment of the said tax, with the interest aforesaid; and it shall also be lawful for Mr. Thomas Dymes and Captain John Canty, and they are hereby required, to furnish the said forces with such provisions and other necessaries as shall be requisite for their subsistence until and for their march to the Charokees, and give certificates of what they shall so provide unto the said William Gibbon, Samuel Eveleigh, and William Dry, in order to obtain orders for the same as aforesaid.

Overplus, if  
any, to remain  
in the hands of  
the commis-  
sioners till dis-  
posed of.

VI. *And be it further enacted* by the authority aforesaid, That if the money arising by the said tax exceed the sum expended on the expedition,



and the orders with the said interest drawn on the said commissioners for receiving the said tax, such overplus money shall remain in the hands of the said commissioners of the tax, until it is disposed of by an Act of the General Assembly; any thing to the contrary thereof herein contained notwithstanding. A. D. 1718.

VII. *And be it further enacted*, That so much of this Act as relates to the raising forces and keeping the same in pay, do continue in force for the space of five months, and no longer.

*Read three times and ratified in open Assembly,  
the 5th day of July, 1718.*

ROBERT JOHNSON,  
A. SKEENE,  
NICHOLAS TROTT,  
THO. BROUGHTON,  
CHARLES HART,  
FRANCIS YONGE.

Expired and repealed by Act of February 20, 1718-9, section 37, to raise £70,000, &c.

AN ACT FOR THE MORE SPEEDY AND REGULAR TRIAL OF PIRATES. No. 390.

WHEREAS, divers great disorders, wicked practices, treasons, murders, robberies, depredations and confederacies, have been lately committed in and upon the seas, by those called Pirates, who are not only enemies to his Majesty and his subjects, but to all mankind; and whereas the numbers of them are of late very much increased, and their insolencies so great that unless some remedy be provided to suppress them, by a strict and more easy putting the laws in that behalf in execution, and having speedy justice done upon them, the trade and navigation into remote parts will very much suffer thereby: Therefore, to the intents that all such pirates as are or shall be taken and brought prisoners to this Province, or that are or shall be taken and apprehended in the same, may be proceeded against (so far as the same can be made practicable in this Province) according to the statute made in the 28th year of King Henry the VIII, declaring and enacting how pirates on the seas shall be tried and punished; Preamble.

I. *Be it therefore enacted* by his Excellency John Lord Carteret, Palatine, and the rest of the true and absolute Lords and Proprietors of this Province, by and with the advice and consent of the rest of the members of the General Assembly, now met at the Parsonage House of St. Philip's, Charlestown, for the South and West part of this Province, and by the authority of the same, That all treasons, felonies, piracies, robberies, murders or confederacies, committed or that hereafter shall be committed upon the sea, or in any haven, creek or bay, where the Admiral or Admirals of Great Britain have power, authority or jurisdiction, may be inquired, tried, heard, determined and judged within this Province, in such like form as if such offence or offences had been committed in and upon the land; and to that end and purpose a commission or commissions from time to time, and as often as need shall require, shall be had and granted, in the name of the Lord Palatine and the rest of the true and absolute Lords and Proprietors of this Province, and tested and signed by the Governour or commander-in-chief of this Province for the time being, All treasons, felonies, piracies, &c. committed on the sea, &c. to be tried in this Province, by commission.



A. D. 1718.

and by three or more members of the Council, and directed to the judge or judges of the Admiralty or Vice-Admiralty of this Province for the time being, and to such other substantial persons as by the Governour or commander-in-chief of this Province for the time being, by and with the advice and consent of the Council, shall be named or appointed; which said commissioners, or such a quorum of them as by such commission shall be thereunto authorized, shall have full power to do all things in and about the inquiry, hearing, determining, adjusting and punishing, of any of the crimes and offences aforesaid, as any commissioners to be appointed by commission under the great seal of England, by virtue of the said statute made in the twenty-eighth year of the reign of our King Henry the Eighth, are impowered to do and execute within the Kingdom of England; and that the said offender or offenders, which are or shall be apprehended in, or brought prisoners to this Province, shall be liable to such order, process, judgment and execution, by virtue of such commission to be grounded upon this Act, as might be awarded or given against him or them if he or they were proceeded against within the realm of England, by virtue of any commission grounded upon the said statute.

Commissioners to enquire of such offences by the oaths of 12 men, as if committed on the land.

II. *And be it further enacted* by the authority aforesaid, That such persons to whom such commission or commissions shall be directed, or four of them at the least, shall have full power and authority to enquire of such offences, by the oaths of twelve good and lawful men, inhabitants of this Province, in such like manner and form as if such offence had been committed upon the land, and within this Province, and that every indictment found and presented before such commissioners for any treasons, piracies, felonies, robberies, murders, man-slaughters, or such other offences committed or done in or upon the seas, or in or upon any haven, river or creek, shall be good and effectual in law; and if any person or persons happen to be indicted for any such offence or offences done or hereafter to be done in and upon the seas, or in any other place above limited, that then such order, process, judgment and execution shall be used, had, done or made to and against every such person or persons so being indicted or found, as against traytors, felons and murderers, for treason, felony, robbery, murder, or other such offences, done upon the land, and that the trial of such offence or offences, if it be denied by the offender or offenders, shall be had by twelve lawful men, inhabiting in this Province, and such as shall be convicted of any such offence or offences, by verdict, confession or process by authority of any such commission, shall have and suffer such pains of death, losses of goods and chattels, as if they had been attainted and convicted of any treasons, felonies or robberies, or other the said offences done upon the land.

And persons convicted shall suffer death &c.

And not to have benefit of clergy.

III. *And be it further enacted* by the authority aforesaid, That for treasons, piracies, robberies, felonies, murthers and confederacies, done upon the sea or seas, or in any place above rehearsed, the offender or offenders shall not be admitted to have the benefit of his or their clergy, but be utterly excluded from the same.

How the grand and petit juries shall be drawn.

IV. *And be it further enacted* by the authority aforesaid, That thirty persons shall be drawn by lot to serve as grand jurymen at the court to be holden before the said commissioners, commonly called the court of admiralty sessions; and in case there should appear above twenty-three persons out of the said thirty persons summoned, the first twenty-three persons upon the list, (without a reasonable excuse made by any of them, to be allowed of by the court) shall be sworn as grand jurymen, or any number of them not less than thirteen, may serve as grand jurymen; the said thirty persons to serve as grand jurymen at any Admiralty sessions, to be drawn out of

the list hereunto annexed, entitled, A List of the Persons out of which the Grand Jury is to be drawn, to serve at an Admiralty Sessions: And that sixty persons shall be drawn to serve as petit jurymen at the said court of Admiralty sessions, out of the list hereunto annexed, entitled, A List of the Persons out of which the Petit Jury is to be drawn, to serve at the Admiralty Sessions: And the said persons to serve as grand jurymen and petty jurymen, at the said court of admiralty sessions, shall be drawn at such convenient time and place before the sitting of the said court, as the Judge of the Court of Vice-Admiralty, as the first commissioner in the said court of Admiralty sessions, shall direct; and the said persons, to serve as the grand and petty jurymen at the said court of Admiralty sessions, be balloted and drawn after the same manner as is directed for drawing and balloting other juries, by the several Acts of Assembly as is now of force in this Province, relating to juries, and subject to the penalties for not appearing or neglecting to do their duty, as in the said Acts of Assembly are mentioned.

A.D. 1718.

V. *And be it further enacted* by the authority aforesaid, That the General Assembly for the time being, shall have power by an ordinance to add or take out of the general lists hereunto annexed, or any other general list by them hereafter to be made, the name of any person or persons as they shall think fitting, to be added to or stricken out.

The Assembly  
may add or take  
out of the lists  
for jurymen.

*A List of the Persons out of which the Grand Jury is to be drawn to serve at the Admiralty Sessions.*

Alexander Parris, Esq.  
Robert Tradd, &c. &c.

*A List of the Persons out of which the Petit Jury is to be drawn to serve at the Admiralty Sessions.*

John Hodgson,  
Benja. Mortimore, &c. &c.

*Read three times and ratified in open Assembly,  
the 17th October, 1718.*

ROBERT JOHNSON,  
ALEXANDER SKEENE,  
NICHOLAS TROTT,  
THOMAS BROUGHTON,  
CHARLES HART,  
FRANCIS YONGE.

AN ACT for building a Bridge over the western branch of Cooper River, at or near Childsbury Town, *alias* the Strawberry.

No. 391.

(Ratified Feb. 20, 1718-9. Repealed by section 29 of the Highway Act, Sept. 15, 1721. *See last volume.* This is among the instances of irregular numbering in the original; for the order of date does not justify the early number of this Act.)

A. D. 1718.

No. 392. AN ACT to prohibit all indirect Trade and Commerce with our Indian Enemies living in and about St. Augustine, Pensacola, Mobile, and the River Mississippi, and for laying a duty on all Indian Corn and Pease exported from this Province when the same exceeds the Prices herein mentioned.

(Ratified Dec. 11, 1717, for six months. Continued by Act of July 5, 1718, and by Act of Dec. 17, 1720, for two years. Expired. The original of this Act not now to be found.)

No. 393. AN Additional ACT TO THE SEVERAL ACTS NOW OF FORCE RELATING TO THE PAYMENT OF THE LORDS RENTS AND THE SALE OF THEIR LANDS IN THIS PROVINCE.

Preamble.

WHEREAS, complaint hath been often made that the Lords Proprietors' Receiver-general is not able to discover what lands are held of the Lords Proprietors, and who are the persons that hold the same, and by what tenure, and what rent is reserved, that so a perfect rental may be made for the use of the Lords, and their rents duely received by their said Receiver-general: And whereas, the people of this Province, by their Representatives now met in General Assembly, have signified to the Governour and Council of this Province their willingness to consent to any reasonable act whereby their Lordships may have justice done them with respect to their rents, and by an additional act or acts to supply any defects that may be in the present laws relating to the payment of the Lords' rents. Now, for the promoting so good and just a design, and that the Lords Proprietors, seeing the inclination of the inhabitants of this Province to do them justice and duely to pay them their rents, may assist this Province, and use their interest to support the same, and to promote the good thereof, and that all differences and misunderstandings between their Lordships and the people may be removed, and that their Lordships rents, both them in arrear and such as will become due for the future, may be duely and justly paid them,

Holders of land  
to show their  
grants, and the  
terms of their  
rent.

I. *Be it enacted* by his Excellency John Lord Cartaret, Palatine, and the rest of the true and absolute Lords and Proprietors of this Province, by and with the advice and consent of the rest of the members of the General Assembly, now met at Charlestown for the south and west part of this Province, and by the authority of the same, That it shall be lawful for the Lords Proprietors' Receiver-general, either by himself or his lawful deputy or deputies, at any time after one month after the confirmation of this Act by the Lords Proprietors in England is known and published in this Province, such Receiver-general making publication thereof at the church or meeting-house in each respective parish one month before, to go into any parish in this Province and there to summons and require, by a general summons, all persons whatsoever, inhabitants of the said parish and owners of land in any part of this Province, personally to be and appear before such Receiver-general, or his lawful deputy or deputies, at the parish church, or as near as may be to the center of each respective



parish, and there shew their grants by which each person holdeth his lands, whether the same be at one penny per acre rent, or whether the same be a purchase grant at twelve pence per hundred acres, rent reserved; and that any person so summoned by the said Receiver-general, or his lawful deputy or deputies, as shall refuse to come within five days after the time appointed by the summons, without such reasonable excuse as shall be allowed by the said Receiver-general, or his lawful deputy or deputies, shall forfeit for every such neglect the sum of twenty pounds current money of this Province.

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On penalty of £20.

II. And to avoid all frauds in the payment of arrears of rent, and that the Lords may have a perfect rentall made them, and their rent duely paid them for the future, *Be it further enacted* by the authority aforesaid, That it shall be lawful for the Lords' Receiver-general, or his lawful deputy or deputies, and he or they are hereby impowered, to administer an oath to any of the inhabitants of this Province, and all such person or persons are hereby required to answer upon oath what lands he, she or they occupy or are possessed of, and how they hold the same of the Lords Proprietors, whether by grant, or patent, or by survey only, or only by possession; and if by grant, whether at one penny per acre rent, or twelve pence per hundred acres rent. And every person or persons to whom the said Receiver-general, or his lawful deputy or deputies, shall tender such oath, who shall refuse to take the same, or truly to answer such questions as aforesaid, shall for every such offence or refusal forfeit the sum of fifty pounds current money, to be recovered as is hereafter directed by this Act, and shall also be accountable for five years rent in arrears; the same to be recovered by action of debt, brought in the court of common pleas, in the name of the Lords Proprietors' Receiver-general, but for the use of the Lords Proprietors.

An oath may be administered to the land-holders.

Penalty on refusing the oath.

III. And when the Lords' Receiver-general hath discovered what lands any person or persons are possessed of or hold of the Lords, and by what tenure, according to the above directions, in order to discover what rents are in arrears and due to the Lords Proprietors, *Be it further enacted* by the authority aforesaid, That every person or persons whatsoever that are possessed of any lands in this Province, or hold the same of the Lords, shall be obliged to show their last receipt for the rents, or in case they have not any receipt, shall upon their oaths declare when they last paid their rent and to whom, and shall be accountable for all such arrears of rent, from the time of the last payment, proved by receipt or oath as aforesaid. And in case such person shall refuse either to produce the receipt or make oath when he last paid his rent, excepting in such case where the person is not able to do the same, as is hereafter provided for in this Act, that for every such refusal or neglect, he shall be deemed to be in arrears of rent from the time of the date of his or their grant or grants; which arrears of rent may be recovered by action of debt, in the court of common pleas, in the name of the said Receiver-general, but for the use of the Lords Proprietors.

Land-holders to show their last receipt.

Arrears of rent recoverable by suit at law.

IV. And by reason that it may sometimes happen that the person cannot produce his last receipt for the payment of his rent, by reason that the same may be lost, or it may be cannot declare upon oath when the last rent was paid, by reason that the lands came to him by purchase or by descent from his deceased ancestors, and that it doth not appear by any of the Receiver's accounts when the rent was last paid, that in all such cases, *Be it further enacted* by the authority aforesaid, That the persons so possessed of lands shall be adjudged to be in arrears of rent from the time that he hath been possessed of the same; provided such possession doth amount

How arrears of rent shall be determined.

A. D. 1719.

unto five years, otherwise such person shall be deemed and adjudged to be in arrears of rent for five years, the same to be recovered by action of debt, in the court of common pleas, as aforesaid.

Rent to be paid  
in money or  
merchandize.

V. And to prevent all disputes that may arise in what the Lords' rents shall be paid, *Be it further enacted* by the authority aforesaid, That all rents in arrears, or that shall hereafter become due to the Lords Proprietors, shall be paid either in lawful money, according to the statute of the sixth of Queen Ann, or else in good merchantable Rice, at the rate of seventeen shillings and sixpence per hundred, or good Pitch, at the rate of fifteen shillings per barrel, or Tarr, at the rate of seven shillings and sixpence per barrel, rent.

Land-holders  
may be exam-  
ined upon oath  
as to their  
grants.

VI. And because it may sometime happen that, either by neglect of taking an account of any new grant given out, or by some other means, the Lords' Receiver-general may not know the true quantity of lands, and the tenure the person holdeth by; that in such case, *Be it further enacted* by the authority aforesaid, That the Receiver may oblige any such person or persons to bring before him or them, at the parish church, or as near as may be to the center of each respective parish, their grant or grants, and may also examine him or them upon oath, as to the tenure of his or their lands, as before directed by this Act, and under the like penalties and forfeitures, in case of the person refusing to shew his grant, or to be examined on oath, as before directed by this Act.

Land holders  
must attend at  
the time and  
place appointed

VII. That upon an exact rental being made for the use of the Lords Proprietors, that their Lordships may have their rents for the future exactly paid, *Be it further enacted* by the authority aforesaid, That all persons shall be obliged to come before the Lords Receiver General or his lawful deputy or deputies, at such times yearly in the month of December, and at such place in the parish where the person dwelleth as is herein before directed, as the said Receiver General or his lawful deputy or deputys shall appoint by publick notice, and there shall pay their rents punctually, either in lawful money or in rice, pitch or tarr, at the prices before directed by this Act; the Lords' Receiver General or his lawful deputy or deputies to have power, and he or they are hereby empowered in the name of the Lords Proprietors, either to seize or distrain for the said rent, or else in the name of the Receiver General, but for the use of the Lords Proprietors, to bring an action of debt for the rent.

Distress may  
issue for rent  
due.

Lands may be  
taken up at £3  
per 100 acres,  
reserving quit  
rent.

VIII. And to the end that all persons may be encouraged for the further settling of this Province, and to take up lands of the Lords Proprietors and improve the same, which cannot be expected excepting that persons can be assured at what price they may purchase lands of the Lords Proprietors, therefore for the prevention of all such disputes for the future, *Be it further enacted* by the authority aforesaid, That all persons who at any time for fifteen years after the confirmation of this Act by the Lords Proprietors, shall desire to take up lands of the Lords, shall have the same granted to them in the usual form of the grant prescribed in an Act of Assembly of this Province, entituled an Act to ascertain the prices of land, the form of conveyances, and the manner of recovering of rents for lands, and the prices of the several commodities the same may be paid in, ratified in open Assembly the sixteenth day of March, one thousand six hundred ninety five-six, and now of force in the same, paying for the same to the Lords Proprietors Receiver General, at the rate of three pounds for one hundred acres, and so proportionably for a greater or lesser quantity, and reserving twelve pence rent for each hundred acres, the said purchase money and rent reser-



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ved to be paid either in lawful money, according to the said statute, or in good rice, pitch or tarr, at the prices before mentioned in this Act; and the Governours, the Secretaries and Surveyor Generals, and his deputies fees, to be paid after the same manner. And after the expiration of the said fifteen years, the lands to be continued to be granted as before till the Lords signify their pleasure to the contrary, and the publication thereof made in Charlestown at least one whole year before the alteration thereof.

IX. And seeing that by an order at the board of the Lords Proprietors, bearing date the third day of November, 1716, attested under the hand of Richard Shelton, Esq. the Lords Proprietors Secretary, their Lordships were pleased to give all their arrears, that were then in Carolina due to them, whether for lands sold or for rent that shall become due the first of May, 1718, to the use of the publick, as the Governour and Council shall think most proper to appropriate the same, the charges of the civil government being first deducted, and two hundred pounds due to Mr. Craven, but by reason of some misunderstanding between the said Lords Proprietors and the people of this Province, their Lordships were pleased to withdraw their said intended gift, but seeing that the inhabitants of this Province, by their Representatives in the Assembly, have shewed their willingness to do their Lordships justice with respect to their rents, which makes them hope that all those differences will be entirely forgotten—the representatives of the people of this part of this Province, now met at Charlestown, do pray that it may be enacted, *And be it enacted* by the authority aforesaid, that all the arrears of rent to be received by the Lords Proprietors Receiver General, by virtue of this Act, and all the rents and moneys received for purchase of lands, or other dues in this Province, that shall become due and paid to the Lords Proprietors to the end of the year one thousand and seven hundred and twenty and three, after reserving in the said Receiver's hands, so much moneys as will pay the publick salaries, to be paid by order of the Lords Proprietors, (which shall be paid in lawful money, or in commodities, as Rice, Pitch or Tarr, at the rates the Lords receive the same) and also defray the other contingent charges of the government, that is to be paid by the Lords Proprietors, that then the remaining part be appropriated, and is hereby appropriated towards the building of a Publick State House with convenient apartments, for the sitting of the Governour and Council and the other house of Assembly, and for holding the Publick Courts of Judicature, and for apartments of the several Publick Officers to keep their records and offices, and also for the building of a publick house or prison, for the use of the Marshall of this Province, but the Marshall to be obliged to pay a reasonable rent for the same yearly, to the Lords Proprietors Receiver General, for the use of the Lords Proprietors, in order to keep the Publick State House in repair; and the Marshall to be obliged to keep the said Marshall's house and prison in repair, the said prison to be built with convenient and distinct apartments for criminals and debtors. The person to manage, order and overlook the said publick buildings, to be appointed by the Governour and Council of this Province for the time being. And after the building such State house, Marshall's house and prison, in case any of the moneys appropriated by this Act for the same shall remain, then the same to be applied towards the building and finishing the new parish Church in Charlestown.

X. *And be it further enacted*, by the authority aforesaid, That all such sum or sums of money as shall at any time be expended by the Lords Receiver General, in making such rentall and collecting the arrears of rents, and the rents that shall hereafter become due to the Lords Proprie-

Arrears of rent to the end of the year 1723 shall be appropriated to building a State House and Prison, &c.

Expences of the Publick Receiver to be allowed.



A. D. 1719.

tors, and all other charges upon the same, shall be allowed him upon his accounts.

No. 323.

XI. And that all persons may have their titles to their lands in this Province effectually secured to them, so as to admit of no dispute, either with the Lords Proprietors or any other person or persons whatsoever, *Be it further enacted* by the authority aforesaid, That one Act of Assembly of this Province, entituled an Act for settling the titles of the inhabitants of this Province to their possessions in their estates within the same, and for limitation of actions and avoiding suits in law, duly ratified in open Assembly the twelfth day of December, in the year of our Lord one thousand seven hundred and twelve, be and is hereby ratified and confirmed, and shall be deemed and taken as part of this Act, as fully and amply, to all intents and purposes, as if the same was again repeated, word for word, or inserted in the body of this Act.

All grants under the public seal of this Province to be held good.

XII. And whereas, besides the grants for lands, passed in the names of the Lord Palatine and the rest of the Lords Proprietors, and signed by the Governour and the Lords' Deputies, several grants for lands have been passed and signed by the Governour and other persons particularly commissioned for that purpose by the Lords, and it may so happen that some of those commissions may have been burnt in the late fire that destroyed several of our records, and others may be omitted being put upon record and mislaid or lost, and others hereafter may be lost or destroyed, whereby disputes may hereafter arise, whether or no those persons were commissioned and lawfully authorized by the Lords for the making such sales or grants for lands in their names; therefore, for the preventing of all disputes whatsoever, and for the better confirming and assuring to the people their several titles to their lands, *Be it further enacted* by the authority aforesaid, That all grants for lands whatsoever at any time made before the ratification of this Act, or that shall hereafter be made, and signed by the Governour and by any other persons as Lords Deputies, or as persons commissioned by the Lords for the sale of lands, that in case any such grant shall be under the publick seal of this Province, the same shall be good and effectual in law to all intents and purposes whatsoever, and no objection or dispute to be admitted or allowed of, nor any other proof besides that of the grant, being under the publick seal, to be required to prove such persons to have been the Lord's deputies then, or commissioners for sale for lands, but the same in course to be allowed of and admitted as true.

Excess of land beyond the quantity in the grant.

XIII. *And be it further enacted* by the authority aforesaid, That whereas several persons may have a greater quantity of lands within their lines than is mentioned in their grants, that in such case upon any survey hereafter to be made by order of the Governour and Council or the Lord's Receiver General, on the behalf of the Lords Proprietors, it shall be found that the overplus land doth not exceed one fourth part of the quantity mentioned in the grant, that such overplus land is hereby confirmed to the grantees or their assigns, as fully and amply as if the quantity had been exactly specified in the body of the grant; but if the overplus land doth exceed one fourth part of the quantity mentioned in the grant, then as to all the quantity of land so exceeding one fourth part, the person to whom such grant doth belong, shall be obliged to take out an additional grant for that quantity, and to pay the purchase money for the same, as directed by this Act in other purchases of lands, and the common fees of the grant and one fifth part of the charges of the survey of the whole tract; or upon he or they so refusing, the said overplus land may be granted in common form to any other person that will take up the same.

XIV. *And be it further enacted* by the authority aforesaid, That for the preventing of all disputes that may arise between person and persons concerning the quantity of any lands in this Province, that the dispute or difference shall be decided by the known old lines of original survey of the said lands, and not by one person having more than his quantity and the other less. A. D. 1718.  
Disputes to be decided by the known lines of the original survey.

XV. *And be it further enacted* by the authority aforesaid, That all the sums of money mentioned in this Act, not exceeding the sum of forty shillings, and not before particularly disposed of nor the manner of the recovery directed by this Act, shall be recovered, prosecuted, adjudged, levied and distrained, by warrant from any one Justice of the Peace in this Province, as in the Act for tryal of small and mean causes is directed, and the same being so recovered, shall be paid to the Lords Receiver General for the use of the Lords Proprietors; and all the sums of money mentioned in this Act exceeding the sum of forty shillings, and not before particularly disposed of, nor the manner of the recovery directed by this Act, the one half thereof shall be and belong to the Lord Palatine and the rest of the true and absolute Lords and Proprietors of this Province, to be paid to their Receiver General for their use, and the other half to the Attorney General that will sue for the same, by any action of debt, suit, bill, plaint, or information, in any Court of Record in this Province, wherein no essoign, protection, privilege or injunction, wager of law or stay of prosecution, by non vult ulterius prosequi, or otherwise, shall be admitted or allowed. A Justice's warrant may issue for sums of 40 shillings and under.

XVI. *And be it further enacted* by the authority aforesaid, That if any action, plaint, suit, or information, shall be commenced or prosecuted against any person or persons for what he or they shall do in pursuance or execution of this Act, such person or persons so sued may plead the general issue not guilty, and upon issue joined may give this Act and the special matter in evidence, and if the plaintiff or prosecutor shall become non-suit or suffer discontinuance, or if a verdict past against him or them, the defendant or defendants shall recover his or their treble costs, for which he or they shall have the like remedy as in any case where costs by law are given to the defendant. In suits on this Act, the general issue may be pleaded.

XVII. Provided nevertheless, and be it further enacted by the authority aforesaid, That this Act nor any part thereof, shall not be deemed to be of force in this Province, and to be put in execution in the same, until such time as the same shall be sent over, confirmed by the Lords Proprietors in England, under their hands and the great seal of their Province.

*Read three times and ratified in open Assembly,  
the 20th day of March, 1718-9.*

ROBERT JOHNSON,  
ALEXANDER SKEENE,  
THOMAS BROUGHTON,  
CHARLES HART,  
FRANCIS YONGE.

The Lords Proprietors repealed this Act by an instrument under their hands, dated July 24, 1719, post.



A. D. 1719.

No. 394. *AN ACT* TO ASCERTAIN THE MANNER AND FORM OF ELECTING MEMBERS TO REPRESENT THE INHABITANTS OF THIS PROVINCE IN THE COMMONS HOUSE OF ASSEMBLY, AND TO APPOINT WHO SHALL BE DEEMED AND ADJUDGED CAPABLE OF CHOOSING OR BEING CHOSEN MEMBERS OF THE SAID HOUSE.

Preamble.

WHEREAS, the choosing members of the Commons House of Assembly for this Province, by parishes or precincts, has been found by experience to be the most easy, just and least expensive and hazardous method that can be devised, and approaches nearest to the form and method of choosing or electing members in other his Majesty's dominions and plantations, and not liable to the inconveniences that attended any other method heretofore used or practised in this Province. Therefore, for preserving the same inviolable,

I. *Be it enacted*, by his Excellency John Lord Carteret, Palatine, and the rest of the true and absolute Lords and Proprietors of Carolina, by and with the advice and consent of the rest of the members of the General Assembly, now met at Charlestown, for the South and West part of the said Province, and by the authority of the same, That the persons who shall be chosen to serve as members of Assembly hereafter, shall be elected and chosen after the manner and at the places appointed by this Act.

Writs of election to be issued by the Governour and Council.

II. *And be it further enacted* by the authority aforesaid, That all writs for the future elections of members of Assembly shall be issued out by the Governour and Council for the time being, and shall bear date at least forty days before the day appointed for the meeting of the said members, and shall be directed to the church-warden or church-wardens of the several parishes hereafter named; or in case there should be wanting church-wardens in any parish, then to such other proper persons as the Governour and Council shall think fit to nominate in the said writs, to manage such elections, every one of whom are hereby impowered and required to execute the said writs faithfully, according to the true intent and meaning of this Act, to which every such person shall be sworn by any one justice of the peace of the county, who is hereby required to administer such oath without fee or reward, and shall give publick notice in writing of all and every such writs, two Sundays before the appointed time of election, at the door of each parish church, or at some other publick place as shall be appointed in the said writs, in such parishes as have as yet no Churches erected in them, to the intent the time and place of election may be better and more fully made known, which writs shall be executed upon the same days at all places where elections are appointed to be managed.

Publick notice to be given.

Penalty on neglect.

III. *And be it further enacted*, by the authority aforesaid, That if any church-warden, or other person or persons, to whom any writs for election of members to serve in the Commons House of Assembly are directed, shall refuse or neglect to publish and execute the same according to the tenour of this Act, every such person shall forfeit the sum of one hundred pounds, currant money of this Province, to be recovered and disposed of in such manner and form as hereafter in this Act is directed.

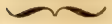
Qualification of voters.

IV. *And be it further enacted* by the authority aforesaid, That every free white man (and no other) professing the christian religion, who has attained to the age of one-and-twenty years, and hath been a resident and an



inhabitant of the parish or precinct for which he votes for a Representative for the space of six months before the date of the writs for the election he offers to give in his vote at, and hath a freehold of at least fifty acres of land, or shall be liable to pay taxes to the support of this government for the sum of fifty pounds, current money, shall be deemed a person qualified to vote for, and may be capable of electing a Representative or Representatives, to serve as a member or members of the Commons House of Assembly for the parish or precinct wherein he actually is a resident.

A. D. 1719.



V. And for the preventing of frauds in all elections, as much as possible, *It is hereby enacted* by the authority aforesaid, That the names of the electors for members of the Commons House of Assembly, shall be fairly entered in a book or roll, for that purpose provided by the church-wardens, or other persons appointed for the managing elections, to prevent any persons voting twice at the same election; and the manner of their voting shall be after the following manner, that is to say, each person qualified to vote as is above directed, shall put into a box, glass, or sheet of paper prepared for that purpose by the said church-wardens or other persons, as is above directed, a piece of paper rolled up, whereon is written the name of the Representatives he votes for, and to which paper the elector shall not be obliged to subscribe his name. And if upon the scrutiny two or more papers with persons names written thereon for members of Assembly be found rolled up together, or more persons names be found written on any paper than ought to be voted for, all and every such paper and papers shall be invalid and of no effect; and that those persons who, after all the papers and votes are delivered in and entered as aforesaid, shall be found (upon the scrutiny made) to have the majority of votes, are and shall be deemed and declared to be members of the succeeding Commons House of Assembly, so as they be qualified as is hereinafter directed.

Mode of voting.

VI. *And be it further enacted* by the authority aforesaid, That the said elections shall not continue longer than two days at farthest, and that the said elections shall begin at seven of the clock in the morning and end at seven in the evening; and that at closing of the poll at convenient hours in the time of the aforesaid elections, the church-wardens or other persons as aforesaid, impowered to manage the said elections, shall seal up the said box, glass or paper, wherein are put all the votes then delivered in, and rolled up by the electors as aforesaid, with their own seals, and the seals of any two or more of the electors that are then present, and upon opening the poll, shall unseal the said box, glass or paper, in the presence of the said electors, in order to proceed in the said election.

Elections not to continue beyond two days, from 7 to 7 o'clock.

VII. *And be it further enacted* by the authority aforesaid, That the said church-wardens, or other persons appointed in each parish to manage the elections aforesaid, shall within seven days (after the scrutiny is made) give publick notice in writing at the church door, or at such other publick place in the parishes that have no churches, where the election was made, to the person or persons so elected, that the inhabitants of the said parish have made choice of him or them, to serve as their Representative or Representatives in the next succeeding Commons House of Assembly, under the penalty of one hundred pounds, currant money of this Province, for his default or neglect therein, to be recovered and disposed of in such manner and form as hereafter in this Act is directed.

Notice to be given to the person elected.

VIII. *And be it further enacted* by the authority aforesaid, That the inhabitants of the several parishes in this Province, qualified to vote for members of Assembly, as is before in this Act directed, shall upon the

Places of election.

A. D. 1719.

days of election, according to the Governour's and Council's precept for the time being, meet at their respective parish churches, or at some other publick place in such parishes as have not yet any churches erected in them, as shall be appointed by the said precept, and there proceed to choose their Representatives according to the number following. That is to say, for the parish of St. Philips, Charlestown, five members; for the parish of Christ Church, two members; for the parish of St. Johns, three members; for the parish of St. Andrews, three members; for the parish of St. George's, two members; for the parish of St. James Goose Creek, four members; for the parishes of St. Thomas and St. Dennis, three members, the election to be made at the parish Church of St. Thomas; for the parish of St. Paul's, four member; for the parish of St. Bartholomew, at such place in the said parish as shall be appointed by the Governour and Council's precept, (until the parish church is erected) four members; for the parish of St. Helena, four members, the election to be made at Beaufort in the said parish; and for the parish of St. James Santee, with Winniau, two members; and the said several members, who upon a scrutiny is found to have the majority of votes, so as they are qualified as is herein after directed, shall be, and they are hereby declared and adjudged to be, the true Representatives for the said parishes.

Qualification of  
a Representa-  
tive.

IX. *And be it further enacted* by the authority aforesaid, That every person who shall be elected and returned as is afore directed by this Act, to serve as a member of the Commons House of Assembly, shall be qualified as followeth, that is to say, he shall be a free born subject of the kingdom of Great Britain, or of the dominions thereunto belonging, or a foreign person naturalized, by Act of Parliament in Great Britain or Ireland, that hath attained to the age of one-and-twenty years, and hath been a resident in this Province for twelve months before the date of the said writs, and having in the Province a settled plantation or freehold in his own right, of at least five hundred acres of land and six slaves, or has in his own proper person and in his own right, to the value of one thousand pounds, in houses, buildings, town lots, or other lands in any part of this Province.

The last clause  
to be read over  
and sworn to  
by the mem-  
bers.

X. *And be it further enacted* by the authority aforesaid, That any of his Majesty's justices of the peace, returned to serve as a member of the said Commons House of Assembly, shall read over to the rest of the members returned to serve in the said House, before they be admitted to sit as such, the last mentioned qualifying clause; and then each member, before he be admitted to sit as such in the said House, shall take the following oath on the holy evangelists, or according to the form of his profession, to be administered by the said justice of the peace. I, A B, do sincerely swear, that I am duly qualified to be chosen and serve as a member of the Commons House of Assembly of this Province, for the parish of ———, according to the true intent and meaning of this Act, so help me God.

Case of persons  
refusing to  
qualify.

XI. *Be it further enacted* by the authority aforesaid, If any member or members hereafter chosen to serve in any Commons House of Assembly should die, or depart this Province, or refuse to qualify him or themselves, as in this Act is directed, then and in such cases the said House shall in an address to the Governour and Council for the time being, desire them to issue out a new writ or writs, and the said Governour and Council shall, on such address to them sealed, issue out a writ or writs, directed as before in this Act is appointed, for choosing another person or persons to serve in the place or places of such member or members, so dead or departed this Province, or who shall



refuse to qualify him or themselves as aforesaid, which person or persons so chosen, shall attend the said House at the meeting of the said House after such election, and the officer or officers that managed the said election, shall acquaint the person or persons so chosen with the same, within seven days after the said election is finished, and shall likewise immediately after the said election is finished, make a scrutiny into the persons names, and make the same publick by fixing it up in writing at the place of election, under the same fines and penalties the several church-wardens or other persons appointed to manage elections, according to the directions of this Act, are liable to by this said Act.

A. D. 1719.

XII. *And be it further enacted* by the authority aforesaid, That all and every member and members of the Commons House of Assembly of this Province, chosen by virtue of this Act, shall have as much power and privilege, to all intents and purposes, as any member or members of the Commons House of Assembly of this Province heretofore of right had, might, could, or ought to have in the said Province. Members chosen to have the usual powers and privileges.

XIII. *And be it further enacted* by the authority aforesaid, That if any person or persons appointed by this Act to manage any election for a member or members of the Commons House of Assembly as aforesaid, shall wittingly or knowingly admit of, or take the vote of any person not qualified according to the purport of this Act, or after any vote duly delivered in at such election, shall open or suffer any person whatsoever to open any such vote before the scrutiny is begun to be made, or shall make an undue return of any person for a member of the Commons House of Assembly, each person so offending shall forfeit, for each such vote taken and admitted of, opened, or suffered to be opened, as aforesaid, and for each such return, the sum of one hundred pounds, currant money of this Province, to be recovered and disposed of in such manner and form as hereafter in this Act is directed. Illegal votes knowingly taken.

XIV. *And be it further enacted* by the authority aforesaid, That all and every person and persons appointed to take votes, or to manage elections of members to serve in the Commons House of Assembly as aforesaid, shall for that purpose attend at the time and place of election, according as he or they are directed by the said writs, and attend likewise upon the said Commons House of Assembly the first two days of their sitting, (unless he or they have leave from them sooner to depart) to inform them of all such matters and disputes that did arise, or may have arisen, about the election of any member or members to serve as aforesaid, in or at any place or places where the same was or were appointed to be managed, and shall shew to the said House the list of the votes for every person returned to be a Representative to serve as aforesaid, or which otherwise ought to have been returned as such, (if any complaint of a false return has been made to the said Commons House of Assembly) and every person appointed to take votes as aforesaid, who shall omit or refuse to attend at either of the times or places as aforesaid, shall forfeit the sum of ten pounds, currant money of this Province, to be recovered and disposed of in such manner and form as is hereafter directed by this Act. Managers of elections to attend the House.

XV. *And be it further enacted* by the authority aforesaid, That if any person or persons whatsoever, shall on any day appointed for the election of a member or members of the Commons House of Assembly as aforesaid, presume to violate the freedom of the said election by any arrest, menaces, or threats, or endeavor or attempt to overawe, fright, or force any person qualified to vote against his inclination or conscience, or otherwise by bribery obtain any vote, or who shall after the said election is over, menace, despitely use or abuse any person, because he hath not Offenders against the freedom of election.



A. D. 1719.

Penalty.

voted as he or they would have had him, every such person so offending, upon due and sufficient proof made of such his violence or abuse, menacing or threatening, before any two Justices of the Peace, shall be bound over to the next General Sessions of the Peace, himself in fifty pounds currant money of this Province, and two sureties, each in twenty-five pounds of like money, and to be of good behaviour, and abide the sentence of the said court; where, if the offender or offenders are convicted and found guilty of such offence or offences as aforesaid, then he or they shall each of them forfeit the sum of fifty pounds currant money of this Province, and be committed to gaol without bail or mainprize till the same be paid, which fine so imposed shall be paid to one of the churchwardens of the parish where the offence was committed, for the use of the poor thereof. And if any person offending as aforesaid, shall be chosen a member of the Commons House of Assembly after conviction of such illegal practices before any two Justices of the Peace, he shall (by a vote of the said House) be rendered incapable to sit or vote as a member of that present Commons House of Assembly, and be further liable to the fines and forfeitures before by this Act appointed, and may be proceeded against as in the same is directed.

No civil process to be served on a voter eundo manendo red-eundo.

XVI. *And be it further enacted* by the authority aforesaid, That no civil officer whatsoever shall execute any writs or other civil process whatsoever upon the body of any person qualified to vote for members of the Commons House of Assembly, as before in this Act is directed, either in his journey to or in his return from the place of such election, or during his stay there on that account, or within forty-eight hours after the scrutiny for such election is finished, under penalty of twenty pounds currant money of this Province, to be recovered of and from the officer which shall arrest or serve any process as aforesaid, after such manner and form, and to be disposed of, as is herein after directed; and all such writs executed on the body of any person either going to, or being at, or within the time limited by this clause returning from the place where such election is appointed to be managed, he being qualified to give in his vote thereat, are hereby declared void and null.

Penalty on Justices of Peace for neglect.

XVII. *And be it further enacted* by the authority aforesaid, That every Justice of the Peace who shall refuse or neglect to do his duty in and by this Act enjoined and required, shall for every default forfeit the sum of one hundred pounds currant money of this Province, to be recovered and disposed of as is herein after directed by this Act.

Nineteen to be a quorum of members.

Not less than seven members may adjourn.

XVIII. *And be it further enacted* by the authority aforesaid, That in every succeeding Commons House of Assembly, no less than nineteen members, duly met, shall make a house to transact the business of the same, and for the passing any law therein there shall not be less than ten affirmatives; nor shall a less number than seven members of the said house met together, have power to adjourn the same; which number are hereby declared to have power, in the absence of the Speaker, to choose a chairman to adjourn the members from day to day, and to summons by their messenger any absenting member or members to appear and give their attendance in the said house.

In case of less than 7 members meeting, the Governour and Council may appoint a future day.

XIX. But forasmuch as by the great distance of the habitations of several of the members from Charlestown, through bad weather and other accidents, it may often happen that such a number may not meet to make an adjournment; *Be it therefore enacted* by the authority aforesaid, That in case none of the members of the Commons House of Assembly, or a less number than seven of them, should appear in the said house,

according to their last prorogation or adjournment, that then and in such case it shall be and it is hereby declared lawful for the Governour for the time being, with the advice and consent of his Council, to name a further day for the meeting of the said Commons House of Assembly, and that the said house shall not be dissolved by their not meeting as aforesaid, any law, custom or usage to the contrary thereof in any wise notwithstanding.

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XX. *And be it further enacted* by the authority aforesaid, That who-soever for the future shall be elected a member to serve in the Commons House of Assembly, before he be permitted to sit and vote in the said house, shall further qualify himself for the same by taking the usual oaths, and make and sign the declaration appointed by several Acts of Parliament of Great Britain.

Members to  
take the usual  
oaths and sign  
the declaration.

XXI. *And be it further enacted* by the authority aforesaid, That all the fines and forfeitures mentioned in this Act, and not before particularly disposed of, the one half thereof shall be and belong to the publick Receiver of this Province, for and towards the support of the contingent charges of this government, to be disposed of by order of the General Assembly, and the other half to him or them that shall sue for the same by action of debt, suit, bill, plaint or information, in any Court of Record in this Province, wherein no essoign, protection, privilege, injunction, or wager of law, or stay of prosecution, shall be admitted or allowed of.

Disposal of  
fines and for-  
feitures.

XXII. *And be it further enacted* by the authority aforesaid, That all former Acts of Assembly of this Province relating to or concerning the elections of members to serve in the Commons House of Assembly, be, from and after the ratification of this Act, declared null and void, and they are hereby declared void and repealed. Provided always, that nothing in this Act contained shall extend, or be any ways construed to extend, to repeal or any ways alter or change any matter or thing contained in an Act intituled an Act for determination of General Assemblys, &c., ratified in open Assembly the twentieth day of June, one thousand six hundred ninety and four; any thing in this Act to the contrary contained in any wise notwithstanding.

Former Acts  
repealed.

Proviso.

*Read three times and ratified in open Assembly,  
this 20th day of March, 1718-9.*

ROBERT JOHNSON,  
A. SKEENE,  
THO. BROUGHTON,  
CHARLES HART,  
FRANCIS YONGE.

Repealed by an instrument under the several hands of the Lords Proprietors and the Great Seal of the Province, dated July 24, 1719. Nevertheless, this Act is declared to be in full force by the reviving and continuing Act of Feb. 12. 1719-20, sect. 4.



A. D. 1719.

No. 395. *AN ACT* FOR LAYING AN IMPOSITION ON NEGROES, LIQUORS, AND OTHER GOODS AND MERCHANDIZES, IMPORTED, AND EXPORTED OUT OF THIS PROVINCE, FOR THE RAISING OF A FUND OF MONEY TOWARDS THE DEFRAYING THE PUBLICK CHARGES AND EXPENCES OF THIS GOVERNMENT; AS ALSO TO REPEAL SEVERAL DUTY ACTS, AND CLAUSES AND PARAGRAPHS OF ACTS, AS IS HEREIN MENTIONED.

For the more speedy and effectual doing of the same,

Specification of  
rates and duties  
imposed by  
this Act.

I. *Be it enacted* by his Excellency John Lord Cartaret, Palatine, and by and with the advice and consent of the rest of the members of the General Assembly, now met at Charlestown for the south and west part of this Province, and by the authority of the same, That from and after the ratification of this Act, all and every the rates and duties hereinafter named shall be laid and imposed and paid upon all negroes, liquors, goods and merchandizes, imported in any vessel not built in this Province, the owners whereof reside not in this Province, as is hereafter specified and enumerated; that is to say: On every pipe of Madera wine, of the growth and produce of the Island of Madera, five pounds, and so in proportion for a lesser quantity; upon every pipe of Fayal wine, or any wine of the growth of the Western Islands, fifteen pounds, and so in proportion for a lesser quantity; upon every gallon of rum, four pence; upon every cask of beer, containing thirty-two gallons, imported from the northern colonies, seven shillings and six pence; upon every cask of syder containing thirty-two gallons, imported from the northern colonies, ten shillings, and so in proportion for a greater or lesser quantity; upon every gallon of molasses, two pence; upon every gallon of lime-juice, two pence; upon every quart bottle of brandy, rosa solis, or other spirits whatsoever (rum excepted) five pence; upon every gallon of the same imported in cask, eighteen pence per gallon; on every hundred weight of brown or muscovado sugar, two shillings and six pence; upon every hundred weight of clayed sugar, five shillings; upon every pound of refined sugar, three pence; upon every hundred weight of cocoa, ten shillings; upon every pound of chocolate made up, seven pence halfpenny; upon every hundred weight of tobacco imported from any of the America plantations, fifteen shillings; on every hundred weight of butter, five shillings; on every hundred weight of cheese, five shillings; on every hundred weight of candles, seven shillings and six pence; on every hundred weight of tallow, five shillings; on every hundred weight of salt fish, five shillings; on every barrel of herrings or mackrel, ten shillings; on every barrel of pork, twenty shillings; on every barrel of beef, ten shillings; on every barrel of cranberries, five shillings; on every barrel of train oyle or blubber, seven shillings and six pence; on every hundred weight of brown bisket, fifteen pence; on every hundred weight of white bisket, two shillings and six pence; on bacon, per hundred, three shillings; on soap, five shillings per hundred; on timber, plank, boards, staves, shingles, or other lumber, imported from any of the American plantations, five per cent. on prime cost; on horses imported from any of the northern plantations, twenty shillings; on all negro slaves imported from Africa directly, the sum of ten pounds per head; on all negro slaves imported from the Plantations, having lived there six months, thirty pounds per head, but if new negroes by certificate or oath of the master or importer, then but ten pounds per negro; upon every pipe of vinegar,



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twenty shillings, and so in proportion for a greater or lesser quantity; on all Indians imported, five pounds; on indigo, three pence per pound; on pitch and tarr imported, ten shillings per barrel; on deer skins imported, three pence per skin; on every hundred foot of cedar timber exported, being of the growth of this government, which is above six inches square, twenty shillings for every hundred feet; upon tanned leather exported, one penny per pound; on neat leather exported, three shillings per side; on every tanned calf-skin, one shilling per skin; on every tanned deer-skin, one shilling per skin; on every raw hyde, five shillings: And on all goods and merchandize, not herein particularly named, specified, or rated, that shall hereafter be imported into this Province from any of the plantations in America, for every hundred pounds value the sum of five pounds per cent.; Excepting on such goods and merchandize as are of the produce and manufactory of Great Britain and Ireland, or on other goods lawfully exported from thence per cocq'ts., whether the said goods be imported into this Province directly from thence, or by way of any of his Majesty's British Plantations in America, the same being so certified by the proper officers residing in such colony or plantation from whence the said goods shall be exported; all which goods so imported into this Province, are hereby declared to be free from all manner of duty whatsoever. The said duty of five pounds per cent. to be valued and rated on the prime costs, from the place where such goods were last brought, on the invoice produced by the importer to the comptroller; and the said importer shall take his corporal oath before the said comptroller, that the invoice which he produces is not less than the true and real cost of the said goods, at the last place of exportation, to the best of his knowledge.

To be valued  
by the invoice  
at prime cost.

II. And notwithstanding that immediately after the ratification of this Act, a duty of ten pounds per head be laid and imposed on every negro slave imported into this Province from Africa or any other part whatsoever, *Be it further enacted*, that any person or persons whatsoever, that shall transport themselves with their negro slaves into this part of this Province, with an intent to settle here, in such case all such person or persons whatsoever shall enter the number of his or their slaves so imported with the comptroller, who, at the time of such entry is hereby required and impowered to administer an oath to the importer or owners thereof, that in case he or they so importing any negro or negroes, have not imported them with an intent or design to sell or dispose of any of them, and further make oath that if within twelve months after his or their arrival into this part of this Province, he or they shall make sale of the said slaves or any of them, and not otherwise, he, she or they shall and will pay to the publick Receiver the full duties of all such slaves so sold, as is above directed by this Act.

Importer of  
negroes shall  
make entry  
of them on  
oath.

III. *And be it further enacted* by the authority aforesaid, That all negro slaves (except children not exceeding ten years of age) which shall hereafter be imported into this Province, that have been and resided in any of the colonies in America the term and space of six months, shall pay unto the publick Receiver, as a duty, the sum of thirty pounds current money of this Province. And all persons importing any slaves into this Province, not producing a certificate to the comptroller, attested by the proper persons, setting forth the name of the ship they came in and the time they were imported into that port whence they were brought hither, shall be liable to pay for every such slave or slaves (children not exceeding ten years of age excepted) so imported, the above duty of thirty pounds current money per head; provided nevertheless, that such persons not producing a certificate as above directed, shall have the liberty of six

Duty of £30 on  
negroes resi-  
dent in the Col-  
onies during  
six months.

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Importers of  
slaves to pro-  
duce certificate.

months to obtain a certificate, and if he or they shall within the said six months produce to the comptroller of the customs of this Province, an instrument attested by any Justice of the Peace of that port whence the said slave or slaves were imported here, certifying the time of the arrival of the said slave or slaves, the time of their being and residing in the said place, not exceeding six months, or if any master of any ship or vessel, merchant, or other person, importing negroes into this Province, from any of the colonies in America, neglecting to produce a certificate, as is in this clause above directed, it shall be lawful for the Comptroller of this Province to take the oath of such master, merchant or other persons, importing such negroes, relating to the time such negroes were imported into any port in America, and what vessel the said negroes were imported in; and if such proof be made, pursuant to the true intent and meaning of the said clause, then and in either of the cases herein above mentioned, the importer or importers shall not pay any more duties for the said negroes than is by this Act imposed and payable for negroes imported directly from Africa.

Justices of the  
Peace to settle  
the age of negro  
children.

IV. And whereas differences may arise concerning the ages of negro children imported; for the deciding thereof, *Be it enacted* by the authority aforesaid, That any Justice of the Peace is hereby impowered to judge such differences, and the age of such negro children by him certified to the comptroller, shall be deemed the age of such negro children, and the importer shall pay the duty accordingly.

A certificate to  
accompany  
Madeira wine  
that it is really  
the produce of  
that Island,

V. *And be it further enacted* by the authority aforesaid, That any person who shall import into this Province any wine from the Island of Madera, shall at the time of such importation produce a certificate to the comptroller, from the lader or shipper of such wine, on board the ship or vessel importing the same, attested under the hand and seal of the Consul of the aforesaid Island, that all the wines laden are of the growth and produce of the said Island; otherwise the said wines shall be deemed and taken as wines of the growth of the Western Islands, and pay the duty accordingly.

And has not  
been adultera-  
ted.

VI. And for the more effectual prevention of any Wines of the growth of Fayal or any of the Western Islands to be imported into this Province from New-England or any other of his Majesty's plantations in America, and uttered and sold as wines of the growth of Madera; *Be it enacted* by the authority aforesaid, That the master of every such ship or vessel shall produce a certificate from the person who shall ship the said wines, that the said wines so shipped are of the growth and product of the Island of Madera, and that the said wines have not in any manner of ways been adulterated since they were landed in the said place; which certificate, being under the oath of the said shipper, shall be produced at the time of such importation, and shall be attested under the hand and seal of the collector or naval officer in the said place where such wines were shipped; and if consigned to the master, or to a merchant coming in the said ship or vessel, or to any merchant living and abiding in this Province, for disposing of the said wines, the person who enters the said wines shall, besides such certificate, before the landing of such wines take the following oath before the comptroller, who is hereby impowered to administer the same: I, A. B., do swear that the wines I do now import have not been any ways adulterated since they came into my custody, or on board my ship or vessel, and to the best of my knowledge they are of the growth of the Island of Madera—So help me God. And all persons importing any wines, which shall refuse to take the said oath, the wine by him or them so imported shall be deemed as wines of the Western Islands, and pay duties accordingly.

Oath to that  
effect.



VII. *And be it further enacted* by the authority aforesaid, That every master of any ship or vessel, merchant or others, importing any of the aforesaid goods, on which an imposition is laid, shall, before he or they break bulk, make a general entry or manifest of his lading, which, signed by him, he shall deliver to the Comptroller upon oath, containing the marks and numbers of all such goods imported, and from whence they came, with the name of the vessel and master importing the same; and every merchant or others importing any of the aforesaid goods, shall, before the landing of the same, three entries (by him signed) make, containing the marks and numbers, with the name of the master and the vessel importing the same, to the Comptroller deliver, upon oath as aforesaid, one of which said entries shall by the Comptroller be filed and entered in a book by him kept for that purpose, the other two entries, signed by the said Comptroller, shall be delivered to the publick Receiver, who shall sign and file one of them, and also endorse the third entry, certifying that the several duties therein contained are paid, and then the publick Receiver is to deliver or send the said entry to one of the waiters, as a permit for landing of the said goods, and the said waiter or waiters are to give notice thereof to the master of any vessel therein concerned; and the said waiters are to keep a regular file of all such entries and permits so transferred to them by the publick Receiver, to be perused by a committee of the Commons House of Assembly, upon the examining and auditing the publick accounts.

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Masters of vessels to make a manifest, with marks and numbers.

VIII. *And for the better collecting the duty of goods exported—Be it enacted* by the authority aforesaid, That every person whatsoever intending to ship or export cedar timber (except as before excepted) and skins, shall, before the shipping of the same, three entries (by him signed) make, containing the marks, numbers and contents, with the name of the master and vessel, with the place they are bound to, to the said Comptroller deliver, on his or their corporal oath, who is hereby empowered to give the same, that the said entries is an exact account of all such goods intended to be shipped as aforesaid, and the said entries are to be filed, delivered and transmitted, in such manner and form as is above directed for entries of goods imported; and the master or owner of every vessel on which such goods were exported shall, upon his oath, a true and general report of all goods shipped on board the said vessel, to the Comptroller return, before he departs this port, or have a permit for the same. And the Powder Receiver is hereby required and commanded not to permit any vessel to depart this port until the publick Receiver shall first grant to him a permit for the same.

Exporters to make three entries, with marks and numbers.

IX. And to the end that the said rates and duties laid and imposed on liquors, goods and merchandize, may be the better and more speedily collected by the publick Receiver; *Be it enacted* by the authority aforesaid, That from and after the ratification of this Act, all sums of money payable to the publick Receiver, for any liquors, goods and merchandizes, exported out of or imported into this part of the said Province, shall be paid by the exporter for any skins or cedar timber, &c. before the same be put on board of any vessel whatsoever, in order to be exported out of this Province; and by the importer of any liquors, goods and merchandize, at and before the landing thereof; any law, custom or usage to the contrary thereof in any wise notwithstanding. And the publick Receiver is hereby required not to deliver any permits for the shipping on board or the landing on shoar, any of the said skins, furs, liquors,

Duties to be paid before the goods are landed or shipped.



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goods and merchandize, &c. for which said duties are due and payable, until the said duties are actually paid.

Masters of vessels may detain the cargo imported till certificate exhibited of the duties having been paid.

X. And for the more effectual preventing any frauds, *Be it enacted*, by the authority aforesaid, That the master of every ship or vessel importing any negroes, liquors, goods and merchandize, shall be liable to and shall pay the duty for such and so much thereof contained in his manifest, as shall not be duly entered, and the duty paid for the same by the person or persons to whom such negroes, liquors, goods and merchandize are or shall be consigned; and it shall and may be lawful to and for the master of every ship or other vessel, to secure and detain in his hands, at the owner's risque, all such wines, liquors, goods and merchandize, imported in such ship or vessel, until he be certified by the waiter or waiters, appointed for that purpose, that the duty for the same is paid, and until he be repaid his necessary charges in securing the same; or such master may deliver such wines, liquors, goods, wares and merchandize as are not entered, unto the publick Receiver or his order, who is hereby impowered and directed to receive and keep the same at the owner's risque, until the duties thereof with the charges be paid, and then deliver such wines, liquors, goods and merchandize, as the said master shall direct.

Masters of vessels may be sued for duties unpaid.

XI. *And be it further enacted* by the authority aforesaid, That the publick Receiver shall be and is hereby impowered to sue the master of any ship or vessel for the duty of so much of the lading of the wines, liquors, goods, wares and merchandize imported therein, according to the manifest by him to be given in, as shall remain not entered, and the duties thereof not paid, and such master shall be and is hereby made liable, to answer and make good all such duties; and where the goods, wares or merchandize are such as the value thereof is not known, whereby the duty to be recovered of the master for the same cannot be ascertained, the owner or person to whom such wares, goods or merchandize are or shall be consigned, shall be summoned to appear as an evidence at the court where suit for the duty thereof shall be brought, and be there required to make oath to the value of such goods, wares or merchandize.

Comptroller to enter into bond.

XII. *And be it further enacted* by the authority aforesaid, That the Comptroller that shall be from time to time nominated and appointed by a vote of the Commons House of Assembly, shall, and is hereby required, before his entry upon the execution of his said office, to enter into bond to the same persons to whom the publick Receiver is by this Act become bound, in the sum of one thousand pounds current money, for his faithful execution of the said office, according to the tenor of this Act; and the said Comptroller shall be accountable to and displaced by the House of Commons.

Oath to be taken by the master.

XIII. *And be it further enacted* by the authority aforesaid, That at such time as the master of any vessel doth make his general entry or manifest with the Comptroller, he shall make oath that he hath not put on shoar in the port of Charlestown, or in any other port, river or creek in this part of this Province, or put into any boat or vessel, in order to the landing, any negroes, liquors or goods herein before rated, before his or their general entry; and if any master of any ship or vessel, merchant, factor, mariner, or any other person whatsoever, shall transgress in any thing as aforesaid, the said negroes, liquors and goods, so put on shoar, or put into any boat or vessel in order to the landing the same, shall be forfeited and condemned in manner and form as is hereafter provided. And all manner of persons are hereby required to be aiding and assisting to the said Receiver, Comptroller, Waiters, or his or their agents, informer, discoverer,

or seizer, in the actual seizing all negroes, liquors or goods, unloaden or landed contrary to the true intent and meaning of this Act, under the penalty of five pounds, to be levied, recovered and disposed of to such uses as other forfeitures accruing by this Act are appointed and ordered. A. D. 1719.

XIV. *And be it further enacted* by the authority aforesaid, That the two persons that shall be nominated by a vote of the Commons House of Assembly shall be and they are hereby appointed the publick waiters, guagers and searchers, to execute all such powers and authorities as are given them by this Act, and shall daily give their attendance at the several wharfs and landing places in Charlestown, and at all such times and places as they shall be ordered and directed by the publick Receiver and Comptroller for the time being, and to follow and observe such orders and instructions as shall be given them by the publick Receiver or Comptroller, and to be aiding and assisting to the said publick Receiver and Comptroller in all matters and things for or relating to the execution of this Act; and if the said waiters, or either of them, shall neglect, refuse, or make default in any of their duties enjoined them by this Act, then he or they making such default shall forfeit the sum of one hundred pounds, to be recovered and disposed of as is hereafter mentioned; and each of the said waiters shall be paid and allowed the sum of forty pounds yearly, to be paid to each of them at the end of every quarter, and so for less or greater time, out of the publick treasury, and the publick Receiver is hereby ordered to pay the same accordingly. And the said waiters shall be accountable to and displaced by the Commons House of Assembly; provided, nevertheless, that during the interval between the times of sitting of the said House, the publick Receiver and Comptroller shall have power, and they are hereby impowered, to displace both or either of the said waiters, in case of neglect or refusing to do his or their duty, and to appoint a waiter or waiters to act in his or their room, who shall so continue to do until the next meeting of the Commons House of Assembly.

XV. *And be it further enacted* by the authority aforesaid, That no master of a vessel coming from any of the British or foreign Plantations, shall unload or put on shoar any negroes, liquors, goods or merchandize, but in the day time, between sun-rising and sun-setting, under the penalty of having all such negroes, goods, liquors and merchandize, seized and forfeited in manner and form as is hereafter provided.

XVI. And whereas several frauds and deceits are daily committed by the liberty taken by the masters, owners, super-cargoes, or other persons belonging to any vessel, by selling goods on board by retail or wholesale, for the prevention thereof for the future, *Be it enacted* by the authority aforesaid, That from and after the ratification of this Act, no master, owner, super-cargo, or any other person whatsoever, shall keep store or shop on board any vessel that shall come to this Province, or sell goods on board by retail or wholesale, (salt excepted) under the penalty of having all such goods, liquors, or merchandizes forfeited as aforesaid, as likewise over and above, the sum of fifty pounds currant money, to be recovered as is hereafter directed and appointed. And for preventing disputes that may arise between the importer of liquors and the Comptroller, Receiver, or Waiters, it is hereby declared that the importer shall without gauging, be allowed ten per cent. for leakage upon his invoice and entry made as aforesaid, but if the owner or importer shall suspect his leakage to be more than ten per cent. then the waiter or waiters shall guage the same, and such leakage if entered with the Comptroller, and not otherwise, shall be allowed accordingly; and if at any time the waiter or waiters aforesaid, shall suspect any cask or hogshead holds out to a greater quantity than

Two waiters, guagers and searchers, to be appointed.

Penalty on default or neglect.

No goods to be unloaden except between sun-rising and sun-setting.

No store or shop to be kept on board any vessel.

Penalty.

Allowance for leakage.



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it is entered for, then they shall gauge or weigh the same, and if it holds out more as aforesaid, then the importer shall pay the surplusage of the duty, and for the gauging and weighing of each cask or hogshead, to the waiter the sum of two shillings and sixpence, and also make a new entry with the Comptroller for such overplus, as is before directed.

Certain goods  
not to be put on  
board till entry  
made.

XVII. *And be it further enacted* by the authority aforesaid, That if any skins, tanned leather, raw hydes, or cedar timber of the growth of this Province, shall be put on board any ship or vessel before due entry made as aforesaid, all and every of the said shins, tanned leather, raw hydes, or cedar timber, so put on board as aforesaid, are hereby forfeited, and to be recovered and disposed of to such uses as other forfeitures accruing by this Act are appointed and ordered, except only such cedar as shall be on board for the use and reparation of the ship or vessel within this harbour, before she departs the same.

Search may be  
made for goods  
concealed.

XVIII. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for the Receiver, Comptroller, or the Waiters, his or their agents, or informer, by virtue of a warrant from any justice of the peace to that purpose, first obtained, with one or more constables, to search all manner of houses, cellars, ware-houses and shops, and the same may break open in the day time, if the owners refuse to suffer them to enter, for all such negroes, liquors and goods, as they or any of them shall be informed were carried there to be concealed, contrary to the true intent and meaning of this Act; and such negroes, liquors and goods so found, shall be forfeited and condemned in manner and form hereafter mentioned, provided the same is seized in three months after the offence is committed.

The officers be-  
fore made may  
board any ves-  
sel to make  
search.

XIX. *And be it further enacted* by the authority aforesaid, That the Publick Receiver, Comptroller or Waiters, be enabled and authorized, and they are hereby enabled and authorized, to go and enter on board any vessel or vessels in the day time, and make search in all places and parts therein, and if need be to break open any locks or chests, cask, bale or other thing whatsoever, if denial be made of opening the same, and there seize and from thence bring on shoar, all skins, tanned leather, raw hydes and cedar timber, whereof due entry hath not been made; and the said Receiver or his deputy, the Comptroller or Waiter, are hereby enabled and authorized, to do all other lawful matters and things which may tend to secure the true payment of the duties payable on the same; and if any person or persons shall forcibly resist, or encourage or assist any person or persons to oppose or hinder the Publick Receiver or his deputy, the Comptroller or Waiter, in the due execution of this Act, then and in such case every person for every such offence, shall forfeit and pay the sum of one hundred pounds, to be recovered and disposed of in such manner and form as is hereinafter mentioned.

Drawback on  
re-exportation.

XX. *And be it further enacted* by the authority aforesaid, That if any of the aforesaid liquors, goods, or merchandize, or any negroes, be landed and afterwards exported within six months after the importation thereof, and not otherwise, the Receiver for the time being shall discount or repay to the owners or assigns, three fourth parts of the duties of the said liquors and goods, according to the rates before mentioned, if he or they so exporting the same do (before the said vessel sails hence, in which the said goods or liquors are so reshipped) make oath before the Receiver, who is hereby impowered to administer the same, that the said negroes, liquors and goods, were imported within the time limited, and paid the duties aforesaid, with the name of the ship or vessel and master, in which they were imported, that the Receiver shall then grant a permit to transport the same, the exporter first entering with the Comptroller the quantity of the said goods and merchandize to be exported.



XXI. *And it is likewise enacted* by the authority aforesaid, That the persons that shall be nominated by a vote of the House of Commons, pursuant to an Act declaring the right of the House of Commons for the time being, to nominate the Publick Receiver, &c. ratified the fifth day of July, Anno Domini, 1707, is hereby appointed Publick Receiver, of all dues, penalties and forfeitures, growing due or payable to the publick by this Act, and an account thereof shall fairly keep and render from time to time, as often as he shall be thereunto required, by the Commons House of Assembly as aforesaid, and shall be liable to all the oaths, bonds, restrictions, fines, forfeitures, and penalties, and to have the salary, as is directed by an Act of Assembly of this Province, entituled an Act for settling a salary on the Publick Receiver, ratified in open Assembly, the first day of March, 1710-11.

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Publick Receiver to keep fair accounts.

XXII. *And be it also enacted* by the authority aforesaid, That the Publick Receiver nominated and appointed, according to the powers and directions of the above recited Act, and who, pursuant thereto, shall take upon him to execute the said office, such person shall immediately, before any Justice of the Peace, take the following oath, viz: I, A B, appointed Publick Receiver of the Province of South Carolina, will truly and faithfully discharge the trust reposed in me as Publick Receiver of the same; I will not issue, dispose, or apply, or cause to be issued, disposed, applied or paid, any money that may hereafter come into my hands as Publick Receiver aforesaid, otherwise than is or shall be directed by this or any other Act or Acts of the General Assembly of this Province, and I will keep true and faithful accounts of all the moneys or effects that is or may come into my hands or possession, and that shall be issued and paid by me, by virtue of any such Acts, within the time of my receiving and paying the same, so help me God. And if he shall neglect to take the said oath, he shall forfeit to the publick the sum of one thousand pounds, to be recovered against him by action of debt, in any Court of Record within this Province; and the said Publick Receiver likewise, for the better security of the Publick Revenue, shall immediately enter into bond, according to the form prescribed in the Act by which his salary is appointed, to three members of the House of Commons, or any two of them, whereof the Speaker to be one, who are hereby impowered to take the said bond of the said Receiver for the use of the publick, in the penal sum of five thousand pounds, which bond shall be and remain in the hands of the Speaker of the House of Commons.

Oath to be taken by the Publick Receiver.

Penalty on neglect to take the oath.

XXIII. *And be it likewise enacted* by the authority aforesaid, And provided if the said Receiver for the time being, shall die, depart this Province, or cease to be Receiver, the Assembly not sitting, then and in such case, and not otherwise, the Governour for the time being, with the advice and consent of his Council, by warrant under his hand and seal, shall empower and appoint a Receiver, and him so empowered and appointed shall continue six months or to the next sitting of the Assembly, and he so empowered and appointed shall have the same power and profits, and be under the same directions and penalties, fines and forfeitures, as if he had been nominated by a vote of the Commons House of Assembly; which person so nominated and appointed, shall give bond to the said Governour, with the like sufficient security as any Publick Receiver appointed by the House of Commons, and take the same oath as is herein prescribed and directed to be taken by the Publick Receiver.

In case of death or departure of the Publick Receiver.

XXIV. *And be it likewise further enacted* and provided, That in all and every such like case or cases, wherein a Comptroller of the customs of this Province shall be wanting, as in the next above mentioned clause

Same as to the Comptroller.

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is set forth with relation to the Publick Receiver, then and in every such case, the said new Comptroller shall be appointed by, and give bond in the sum of one thousand pounds to, the Governour for the time being, for the faithful execution of his said office, and he shall continue in the same until removed by a vote of the House of Commons.

Obligees in the said bonds may sue for the use of the publick.

XXV. *And be it further enacted* by the authority aforesaid, That the persons, or any one of them, to whom the Publick Receiver or Comptroller has entered into bond according to the directions of this Act, are hereby impowered, in the name of the Palatine, and the rest of the true and absolute Lords and Proprietors of this Province, but for the sole use, benefit and behoofe of the publick, to sue either of the aforesaid bonds, if the same at any time shall become forfeited, and not otherwise; and that if at any time, during the time any Receiver or Comptroller shall be in place, and during his lifetime, the aforesaid obligation shall become forfeited and sued by the said persons, or any one of them, and judgement thereupon obtained, then and in such case the said Receiver or Comptroller shall give a new obligation to the said persons, of the same tenor; and if the said Receiver or Comptroller shall refuse to give any such new obligation as aforesaid, he shall cease to be Receiver or Comptroller, as if dead or absent; and all former obligations by the said Receiver or Comptroller given as aforesaid, shall be null or void, from and after his the said Receiver or Comptroller giving a new obligation as aforesaid.

Publick Receiver and Comptroller to attend 3 hours daily.

XXVI. And for the more easy and regular dispatching of all persons concerned in the entering and clearing of vessels, and all other business relating to the publick duties, *Be it further enacted* by the authority aforesaid, That the Publick Receiver and Comptroller shall upon every day of the week, (holy-days excepted,) give their attendance in Charlestown, for and during the space of three hours in the forenoon, that is to say, from the hour of nine to the hour of twelve; and if the Publick Receiver or Comptroller shall neglect doing their duty as aforesaid, they so neglecting shall forfeit the sum of ten pounds, to be recovered and disposed of as is hereafter mentioned.

Mode of recovering fines and forfeitures.

XXVII. *And be it further enacted* by the authority aforesaid, That all and several the respective fines and forfeitures under forty shillings, which shall accrue or become due by virtue of this Act, shall be recovered as in the Act of small and mean causes is provided, and all the several fines and forfeitures above forty shillings, shall and may be sued by any action of debt, bill, plaint, or information, in any Court of Record within this part of the Province, wherein no essoign, priviledge, protection, or stay of prosecution by non vult ulterius prosequi, or otherwise, shall be admitted or allowed of; and the several and respective forfeitures that shall be recovered by virtue of this Act, shall be and remain one moyety, or half part thereof, to any lawyer or lawyers who will prosecute the same to effect, and the other moyety or half part thereof, to such person or persons as shall inform and sue for the same; and if any liquors, skins, goods or merchandizes as aforesaid be seized, for any offence committed against this Act, if the property be claimed by any person or persons, as the importer or exporter thereof, the onus probandi shall lye upon the owner or claimer thereof, and shall not be incumbent on any prosecutor or informer.

Disposal thereof.

XXVIII. And whereas, sundry vessels trading from other of his Majesty's plantations, do make several voyages here in one year's time, and are every voyage to pay all port charges, which is a discouragement to the masters and owners thereof, *Be it enacted* by the authority aforesaid, That if any vessel trading to and from this port to any place or port, shall happen to make more voyages than two in one year's time, the said vessel or



vessels shall, for all voyages above two so made in one year's time, pay no other port charges than only the Governour's and Secretary's fees.

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XXIX. *And be further it enacted* by the authority aforesaid, That all and every the sum and sums of money that shall become due and arising by virtue of this Act, shall be appropriated, ordered, and disposed of towards paying debts due by the publick, and all other contingent charges of the government, as shall be ordered and directed by an order or ordinance of the General Assembly.

Appropriation  
of monies  
received.

XXX. *And be it further enacted* by the authority aforesaid, That an Act entituled an Act for the laying an imposition on furs, skins, liquors, and other goods and merchandize imported into and exported out of this Province, for the raising of a fund of money towards the defraying the publick charges and expenses of this Province, and paying the debts due for the expedition against St. Augustine, ratified in open Assembly the sixth day of May, one thousand seven hundred and three—and one other Act of Assembly, entituled an explanatory and additional Act to an Act entituled an Act for laying an imposition on furs, skins, liquors, and other goods and merchandize, imported into and exported out of this part of this Province, for the raising of a fund of money towards the defraying the publick charges and expences of this Province, and paying the debts due for the expedition against St. Augustine, ratified in open Assembly the seventeenth day of September, one thousand seven hundred and three—and one other Act of Assembly, entituled an Act to make all goods imported and exported in any vessel belonging to this port, to pay the same duties as if imported in vessels not belonging to the same, to encourage navigation, and to empower the Governour to draw money out of the treasury for damage done to the town lots by the intrenchments of Charlestown, ratified in open Assembly the sixth day of May, one thousand seven hundred and four—and one other Act, entituled an explanatory and additional Act to an Act entituled an Act for laying an imposition on furs, skins, liquors, and other goods and merchandize imported into and exported out of this part of this Province, for the raising of a fund of money towards the defraying the publick charges and expenses of this Province, and paying the debts due for the expedition against St. Augustine, ratified in open Assembly the ninth day of April, one thousand seven hundred and six—and one other Act of Assembly, entituled an Act to make and establish bills of credit, for raising the sum of eight thousand pounds, for satisfying the debts due by the publick on account of the late invasion, for finishing the fortifications about Charlestown, to revive the several Acts within mentioned, and to call in the former bills of credit, ratified in open Assembly the fifth day of July, one thousand seven hundred and seven—and one other Act of Assembly, entituled an Act to continue the imposition on liquors, &c. and for a fund and security of the payment of the sum of eight thousand pounds, for sinking the bills of credit, and for empowering the publick Receiver for the time being, to recover and get in all outstanding taxes, ratified in open Assembly the twelfth day of July, one thousand seven hundred and seven—and another Act of Assembly, entituled an Act for raising the sum of five thousand pounds, ratified in open Assembly the twenty-fourth day of April, one thousand seven hundred and eight—and one other Act of Assembly, entituled an Act for raising the sum of three thousand pounds in small bills, for the sinking one thousand pounds of the former bills, and two thousand pounds for and towards the payment of the debts due from the publick, and to appoint a fund for the same, ratified in open Assembly the first day of March, one thousand seven hundred and ten—and also the additional duty

Enumeration  
of former laws  
hereby repealed.



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laid on negroes by the fourteenth section of the Act entituled an Act for raising the sum of four thousand pounds currant money, by laying sundry additional dutys on liquors and other goods and merchandize, for the carrying on an expedition against the northern Indians, enemies to the Crown of Great Britain, and for the aiding and assisting the inhabitants of North Carolina, who are now actually invaded by sundry of the said Indians, ratified in open Assembly the tenth day of November, one thousand seven hundred and eleven—and also the eight first clauses or sections of an Act, entituled an Act to ascertain a fund for cancelling the sum of seven thousand five hundred and sixty-six pounds four shillings and eight pence half penny, in bills of credit, that is to say, three thousand five hundred and sixty-six pounds four shillings and eight pence half penny, the remaining bills uncanceled of the four thousand pounds made by Act of Assembly, for the carrying on the northern expedition against the Taskeroroos, and the sum of four thousand pounds more, being so much directed to be paid to the Publick Receiver, by an Act, entituled an Act for the making the sum of fifty two thousand pounds, &c. for which there has not as yet been any fund appointed, ratified in open Assembly the twelfth day of December, one thousand seven hundred and twelve—and one other Act of Assembly, entituled an Act to prevent wines of the growth of the western Islands to be imported into this Province as wine of the growth of Madera, and for lessening the duty of light skins, not weighing sixteen ounces, ratified in open Assembly the eighteenth day of December, one thousand seven hundred and thirteen—and also the section, clause, or paragraph, relating to an additional duty on negro slaves imported, by the Act entituled an additional Act to an Act entituled an Act for the better ordering and governing of negroes and all other slaves, ratified in open Assembly the eighteenth day of December, one thousand seven hundred and fourteen—and also the five last sections, paragraphs or clauses in an Act entituled an Act to revive and continue several laws and paragraphs of laws, and for the repealing and making void some clauses in other laws, ratified in open Assembly the eighteenth day of December, one thousand seven hundred and fourteen—and also the two last clauses, sections, or paragraphs in the Act entituled an additional Act to an Act entituled an Act for raising the sum of two thousand pounds of and from the estates, real and personal, of the inhabitants of this Province, ratified in open Assembly the eighteenth day of December, one thousand seven hundred and fourteen, and for laying an additional duty on all negro slaves imported into this Province from any part of America, ratified in open Assembly the eighteenth day of February, one thousand seven hundred and fourteen—*And be it further enacted*, by the authority aforesaid, That an Act entituled an Act for laying an imposition on liquors, goods and merchandizes imported into and exported out of this Province, for the raising of a fund of money towards the defraying the publick charges and expences of the Government, ratified in open Assembly the thirtieth day of June, A. D. 1716; and also one other Act, entituled an additional Act to an Act entituled an Act for laying an imposition on liquors, goods and merchandize imported into and exported out of this Province, for the raising a fund of money towards the defraying the publick charges and expenses of the government, ratified in open Assembly the eleventh day of December, Anno Domini, 1717; as also several clauses, sections, or paragraphs, relating to an additional duty on liquors, goods, wares, negroes, and merchandizes, contained in an Act entituled an Act to empower the right honourable the Governour to raise and inlist soldiers for the defence of this Province, and also to provide a fund for the defraying the charges arising thereby,

ratified in open Assembly the eleventh day of December, Anno Domini, 1717; as also the last clause of an Act entituled an Act for settling a salary on the Publick Receiver, ratified in open Assembly the first day of March, Anno Domini, 1710; and also the last clause, save one, of one other Act, entituled a further additional Act to an Act entituled an Act for the better ordering and governing of negroes and all other slaves, and to an additional Act to an Act entituled an Act for the better ordering and governing of negroes and all other slaves, ratified in open Assembly the eleventh day of December, Anno Domini, 1717— That the said several Acts and laws, and the said clauses of laws herein specified and enumerated, and every sentence, word or thing therein contained, are hereby repealed, annulled, and made void and of none effect, to all intents and purposes whatsoever, any thing in the above recited Acts and laws, or in the said clauses of laws, hereby declared repealed, or in any other Act, to the contrary thereof, in any wise notwithstanding. Provided likewise, that nothing in this Act shall extend to the repealing any clause whereby the present Publick Receiver is made accountable for all or any of the monys received, or to be recovered and received by him, by virtue of any of the said Acts or laws, or for the exempting any person or persons from paying any sums of money due from them to the publick, or for or by reason of the duties arising by any of the said laws; any thing in this Act to the contrary thereof in any wise notwithstanding.

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Receiver still remains accountable for monies received.

XXXI. And for the encouragement of building and owning of ships and vessels in this Province, *Be it enacted* by the authority aforesaid, That all liquors, goods, negroes, wares and merchandize, that shall be imported into this Province in any ship or vessel wholly owned by the inhabitants residing in this Province, provided such ship or vessel was built in this Province, shall be and they are hereby declared free and clear of all manner of dutys, payable by any of the laws in force in this Province, by any other ship or vessel, or other persons whatsoever.

Vessels built and owned in this Province freed from duties.

XXXII. *And be it further enacted* by the authority aforesaid, That all liquors, goods, negroes, wares and merchandizes, which shall be imported into this Province in ships or vessels built here, though the owners live out of the same, shall be liable to pay but one half of such duties as vessels built and owned abroad, are by this Act obliged to pay.

Exemption of goods imported in vessels built and owned in Carolina.

XXXIII. *And be it further enacted* by the authority aforesaid, That all the said liquors, goods, negroes, wares and merchandizes, which shall be imported in any ship or vessel wholly owned and belonging to the inhabitants of this Province, though such ship or vessel was built out of this Province, shall be liable to pay but such duties as vessels built here and owned abroad, are by this Act obliged to pay. And in order to prevent any person or persons imposing on the publick by falsely pretending that such their ships or vessels belong entirely to the inhabitants of this Province, the Publick Receiver is hereby authorized and required to administer an oath to the owner or one of the owners of such ship or vessels, entering with him in his office, and claiming the benefit of this Act, importing that no person or persons not residing in this Province, hath any part or share in such vessel, but that every part thereof belongs wholly and solely to the inhabitants residing in this Province.

Oath to be taken.

XXXIV. And whereas tis necessary, to prevent the Publick Receiver and the Comptroller of our customs in this Province, extorting from



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Fees of the  
Receiver and  
Comptroller.

the inhabitants exorbitant fees, that their said fees should be escertained  
*Be it therefore enacted* by the authority aforesaid, That for every entry,  
 of goods imported, the person entering the said goods shall pay unto  
 the Publick Receiver the sum of two shillings and six pence, and to  
 the Comptroller the sum of two shillings and six pence, for each entry  
 inwards, and likewise for all entries of goods liable to pay country  
 duty outwards, two shillings and six pence for each entry; and every  
 master of a vessel, taking out from the Publick Receiver a certificate  
 of his having cleared with him, shall pay unto the Publick Receiver  
 the sum of five shillings.

Penalty on  
extortion.

XXXV. *And be it further enacted*, That if the Publick Receiver  
 or Comptroller shall demand or take more than the above recited  
 fees, he or they shall forfeit for every such offence the sum of two  
 pounds, currant money of this Province, to be recovered in such cases  
 as in the Act for the tryal of small and mean causes is directed.

Oath.

XXXVI. *And be it further enacted* by the authority aforesaid, That  
 the Comptroller and each of the Waiters, of or belonging to the  
 customs of this Province, shall immediately after the ratification of  
 this Act, before any Justice of the Peace, take the following oath,  
 mutatis mutandis, viz: I, A B, do solemnly swear in the presence of  
 almighty God, that I will faithfully discharge my trust (as Comptroller)  
 (or Waiter) of the customs of this Province, and to the best of my  
 power, without favor or affection, put in execution all and every thing  
 in this Act enjoined me (as Comptroller) (or Waiter) so help me God.

Limitation of  
the Act.

XXVII. *And be it further enacted* by the authority aforesaid, That  
 this Act, and every thing herein contained, continue to be and remain  
 in full force for two years, and from thence to the end of the next  
 sessions of the General Assembly, and no longer.

Percentage  
allowed the  
Receiver.

XXXVIII. *And be it further enacted* by the authority aforesaid, That  
 whatever person, who shall by vote of the House of Commons be  
 appointed to act as Publick Receiver of the duties for goods, wares  
 and merchandizes, imported into and exported out of this Province,  
 shall out of the same duties to be paid to him, have and receive to  
 his own proper use, five per cent. for all moneys he shall receive,  
 and two and a half per cent. for all moneys he shall pay out of the  
 same, during the time he shall continue to act as Public Receiver of  
 such duties, in lieu of all salaries which are allowed unto him by any  
 law or laws, now in force in this Province, any thing contained in such  
 law or laws to the contrary thereof in any wise notwithstanding.

*Read three times and ratified in open Assembly,  
 this 20th day of March, 1718-9.*

ROBERT JOHNSON,  
 A. SKEENE,  
 THO. BROUGHTON,  
 CHARLES HART,  
 FRANCIS YONGE.

Repealed by an instrument under the several hands of the Lords Proprietors, and under the  
 great Seal of the Province, dated July 24, 1719, as followeth.

*His Excellency JOHN Lord CARTERET, Palatine, and the rest of  
 the true and absolute Lords and Proprietors of the Province of Car-  
 olina, in America,*

*To the Governour and Council of South Carolina.*

We received by Mr. Yonge three Acts of Assembly which were sent  
 to us by you for our approbation, viz: an Act for laying an imposition on



negroes, liquors and other goods and merchandizes, &c. An Act to ascertain the manner and form of electing members to represent the inhabitants, &c. An additional Act, &c. relating to the payment of the Lords rents, and the sale of their lands. We can by no means consent to either of these three Acts, and we do therefore repeal all and every one of the three aforesaid Acts, and we do hereby declare all and every one of the three above mentioned Acts, and every matter and clause therein contained to be null and void, to all intents and purposes whatsoever.

A. D. 1719.

No. 395.  
No. 394.  
No. 393.

*Given under our hands and the great seal of our Province, July 24, 1719.*

CARTERET, Palatine,  
BERTIE for  
Duke of Beauford,

M. ASHLEY,  
J. COLLETON,  
J. DANSON.

AN ADDITIONAL ACT to the Act now in force relating to the Fortifications in Charlestown.

No. 396.

(Ratified March 20, 1718-9. *See last volume.*)

AN ACT for continuing the present Assembly one month longer.

No. 397.

(Ratified February 20, 1718-9. Expired. The original not now to be found.)

AN ACT FOR RAISING THE SUM OF SEVENTY THOUSAND POUNDS, ON LANDS AND NEGROES, FOR DEFRAYING THE PUBLICK DEBTS, SINKING THE PUBLICK ORDERS, AND FOR THE CALLING IN, CANCELLING AND SINKING THE SUM OF THIRTY THOUSAND POUNDS, WHICH IS NOW STANDING OUT IN BILLS OF CREDIT, OVER AND BESIDE THE BANK BILLS.

No. 398.

WHEREAS, the contingent charges of the Publick for this present year, one thousand seven hundred and eighteen, in fitting out several expeditions against the pyrates who frequently infested this coast and interrupted the trade of this Province, have been very great and unexpected, and do require a speedy payment; and whereas, by an Act of General Assembly intituled an Act to continue the Garrison at the Savannah Town, and the two Scout Boats appointed to be placed at the Southward, and to discharge the officers and soldiers who were employed in the late expedition to the Creek Indians, and to make provision for the charges, it was enacted that the commissioners therein named for defraying the charges aforesaid, and other charges of the publick mentioned in the said Act, should issue out and draw so many orders under their hands and seals, upon the publick Receiver of this Province for the time being, as would discharge the same, which orders so drawn did amount in the whole to the sum of eight thousand two hundred seventy-eight pounds, two shillings and four pence; and to the intent that the same orders might be sunk and called in with all convenient speed, after the making the said Act, the said publick Receiver was required to pay off and discharge the

Preamble.

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said orders out of the additional duties to be paid into the publick treasury laid on all negroes, liquors, goods and merchandizes, &c. according to the directions of an Act passed for that purpose on the eleventh day of December, one thousand seven hundred and seventeen: And whereas, divers other orders for debts contracted by the publick under their emergencies, have been drawn by the General Assembly, and others by them thereto authorized, from time to time, on the said publick Receiver, which were to be paid off by the said publick Receiver out of the duties laid on liquors, goods and merchandizes by another Act of the General Assembly of this Province, intituled an Act for laying an imposition on Liquors, Goods and other Merchandizes, imported into and exported out of this Province, for the raising of a fund of money towards defraying the publick charges and expenses of the Government, ratified the thirtieth day of June, one thousand seven hundred and sixteen: And whereas, his Majesty King George was pleased to signify his order to have the said duty Acts repealed, by reason whereof the methods resorted to by the said General Assembly for sinking the said orders have been entirely frustrated, and the persons who have taken the said orders will become great sufferers unless some speedy measures be taken for giving some currency to the same till some effectual methods are taken for the calling in and sinking thereof, as by this Act hereafter is mentioned and intended: And whereas, the great and unexpected charges accruing to the publick this present year one thousand seven hundred and eighteen, by the interruption given to the currency of the said orders, and the several expeditions against the pyrates as aforesaid, are become so burthensome, that a present provision cannot be made by a tax forthwith to be raised on the inhabitants, for discharging the same debts and orders, without allowing some further time for sinking the bills of credit, amounting to thirty thousand pounds, which were intended to be sunk by the several Acts made and ratified for that purpose the thirtieth of June, one thousand seven hundred and sixteen, and the eleventh December, one thousand seven hundred and seventeen: And whereas, the faith, interest and welfare of the publick is equally concerned and engaged, as well for making good the said orders and the present payment of the said extraordinary, unexpected and contingent charges, according to the resolutions and assurances of the said General Assembly, heretofore made in that behalf;

I. *Be it therefore enacted*, by his Excellency John Lord Carteret, Palatine, and the rest of the true and absolute Lords and Proprietors of this Province, by and with the advice and consent of the rest of the members of the General Assembly, now met at Charlestown for the South and West part of this Province, and by the authority of the same, That all orders which now are extant, already drawn by any General Assembly of this Province, and all salaries now due by virtue of any law or laws, ordinance or ordinances of the same, and all other orders which shall hereafter be drawn by any person or persons impowered by virtue of this Act to draw such orders on the publick Receiver of this Province for the time being, or on the Commissioners for receiving the publick taxes hereinafter named, be and are hereby declared to be current in payment to the said publick Receiver and the said Commissioners of the tax.

II. And to the intent that all and singular the said orders may be called in again and sunk with all convenient speed, and also that the said bills of credit amounting to thirty thousand pounds, which were intended to be paid in and sunk this present year, one thousand seven hundred and eighteen, by the aforesaid Act of the eleventh of December, one thousand seven hundred and seventeen, may be likewise called in and cancelled in

Orders drawn on the publick Receiver or Commissioners, in pursuance of any former or of this Act, to be current in payment to the Receiver.

Tax of £70,000 to be imposed and levied.



as short a time as the present emergencies of the Province will possibly admit of, and that a fund may be appropriated for that purpose; *Be it further enacted* by the authority aforesaid, That a Tax or Sum of Seventy Thousand Pounds be equally and indifferently raised, imposed and levied, upon the lands and negroes of the several inhabitants, planters and others, residing, living or otherwise interested within the several counties of all that part of the Province that lies south and west of Cape Fear, and upon the estates, real and personal, stocks and abilities, of the several merchants and other inhabitants living and residing within the limits of the town plot of Charlestown, at such days and times, and after such manner and form, and by such persons as are hereafter mentioned and directed: That is to say—the sum of thirty-five thousand pounds, part of the aforesaid tax of seventy thousand pounds hereby first intended to be raised, shall be assessed, levied, and paid to the commissioners hereinafter for that purpose named, on or before the second Tuesday in May, which will be in the year of our Lord one thousand seven hundred and nineteen; and the further sum of fifteen thousand pounds, other part of the aforesaid sum of seventy thousand pounds, on or before the second Tuesday in March, which will be in the year of our Lord one thousand seven hundred and nineteen; and the further sum of ten thousand pounds, other part of the aforesaid sum of seventy thousand pounds, on the second Tuesday in March, which will be in the year of our Lord one thousand seven hundred and twenty; and the further sum of ten thousand pounds on the second Tuesday in March, which will be in the year of our Lord one thousand seven hundred and twenty-one. Which said sum of thirty-five thousand pounds, hereby first intended to be raised, shall be applied to the sinking and cancelling the orders issued and to be issued as aforesaid; and the other three subsequent payments of fifteen thousand pounds, ten thousand pounds, and ten thousand pounds, for the years one thousand seven hundred and nineteen, one thousand seven hundred and twenty, and one thousand seven hundred and twenty-one, for and towards cancelling and sinking the residue and remainder of the said thirty thousand pounds in bills of credit, as hereinafter is mentioned, and cancelling the sum of five thousand pounds of orders that shall remain uncanceled by the first tax of thirty-five thousand pounds, as is hereinafter directed.

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To be paid by  
installments to  
the commis-  
sioners.

III. *And be it further enacted* by the authority aforesaid, That for the several parishes in this Province, the several persons hereinafter named, viz: for the parish of St. Philip's, Charlestown, within the town plot, Mr. Elisha Prioleau, Mr. Richard Wigg, and Mr. Joseph Wragg, and for that part without the limits of the said town plott, upon the Neck, in the said parish, Mr. John Pendarvis and Mr. Charles Burnham; for Christ Church parish, Mr. Thomas Barksdale, Mr. Thomas Boon, and Mr. John Vanderhorst; for St. Thomas and St. Dennis, Capt. Robert King, Mr. Nathaniel Ford, Mr. John Akins, Mr. Josiah Dupree, and Mr. Daniel Hugier; for the parish of St. John's, Mr. Gabriel Marion, Mr. Daniel Ravenel, and Mr. John Harleston; for the parish of St. James, Goose Creek, Major Thomas Smith, Mr. Robert Howes, Mr. Isaac Porcher, Mr. John Parker, and Mr. Benjamin Gibbes; for the parish of St. Andrew's, Mr. Champernown Elliott and Mr. William Fuller, for the south side of Ashley river, and for the north side of Ashley river, Mr. Richard Butler and Mr. James Boswood, and for the head of Ashley river, Mr. William Wallis and Mr. Roger Saunders; for James Island, Mr. William Wilkins and Mr. John Hern; and for the several parishes in Colleton-county, viz. for John's Island, Colonel John Fenwick, Mr. Hugh Hext, Mr. Samuel Jones; for Wadmelow Island, Mr. William Williams

Inquirers or  
Inquisitors  
appointed.

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Inquisitors to  
take an account  
on oath of real  
estate and  
slaves.

and Mr. Samuel Underwood; for Edisto Island, Mr. Joseph Sealy and Mr. Lawrence Dennis; for Stono, Mr. Richard Capers and Capt. Thos. Elliott; for the east side of Pon-pon or South Edisto river, Col. Abraham Eve and Capt. William Scott; for the parish of St. Bartholomew, viz. for the west side of South Edisto river, Capt. John Jackson and Mr. Robert Cox; for Ashepoo, Mr. Robert Seabrook, Mr. William Bellinger and Mr. John Edwards; for Combahee and Chehaw, Capt. John Palmer and Capt. Rowland Evans; for the parish of St. James Santee, in Craven county, Mr. Peter Robert, Mr. Elias Horey and Mr. Isaac LeGrand Donnerville; for English Santee, Capt. Benjamin Schencklingh and Capt. John Cante; for Wineau, Capt. Robert Scriven and Mr. Samuel Miller; for the parish of St. Helen's in Granville county, Mr. Robert Wilkenon, Mr. Richard Reynolds, and Capt. John Beamor—be and are hereby appointed Inquirers and Inquisitors, and are hereby empowered and required to take and make an account in writing, on or before the second Tuesday in March next, and on every first Tuesday in January yearly and every year during the continuance of this Act, of all and every the inhabitants of this Province, within their several parishes or precincts, upon their corporal oaths, to be taken on the Holy Evangelists of Almighty God, what quantity of lands any person or persons are any wise possessed of, interested in or entitled unto: that is to say, the number of acres in each distinct tract, according to their several plots and grants or title-deeds, whereby they hold the same, either in the parish where they live or in any other part of the said Province, either in his or their own right, or as executor or administrator, guardian or attorney to, or in trust for, any other person or persons whatsoever. And the inquisitors aforesaid are hereby also empowered and required to inquire of all and every the persons aforesaid, what number of negroe, mustee, mulatto and Indian slaves, men, women and children, they are any wise possessed of, interested in, or entitled unto, within the said several parishes where they respectively live, or elsewhere in any other part of the Province aforesaid, either in their own right, or as executor, administrator, guardian, trustee or attorney to or for any other person or persons whatsoever; and to return their several accounts of the said lands, negroe, mustee, mulatto and Indian slaves, so taken, to the Assessors hereinafter for that purpose named, at such days, times and places, as hereinafter is limited and directed.

Real and personal estates of the inhabitants of Charlestown to be assessed.

Tax to be levied at certain periods of time.

IV. And whereas, the several estates, interests and effects of the merchants and other inhabitants of Charlestown consist chiefly in town lots, and the messuages, tenements, buildings and improvements thereon, and also in goods, wares and merchandizes, ready money, &c., whereby, according to the foregoing method for the raising the said tax on lands and negroes only, the said merchants and other inhabitants of Charlestown would be in a great measure exempted from paying their proportionable part of the said tax; *Be it therefore enacted* by the authority aforesaid, That the sum of eleven thousand six hundred sixty-six pounds thirteen shillings and four pence, part of the aforesaid whole tax or sum of seventy thousand pounds, be equally and indifferently imposed, levied and raised on the real and personal estates, stocks and abilities, of the several merchants and other inhabitants living or residing within the limits of the town plot of Charlestown aforesaid, that is to say the sum of five thousand eight hundred thirty-three pounds six shillings and eight pence, being part of the aforesaid sum of eleven thousand six hundred sixty-six pounds thirteen shillings and four pence, to be levied and raised on or before the second Tuesday in May, which will be in the year of our Lord one thousand seven hundred and nineteen—the sum of two thousand five hundred



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pounds, other part of the aforesaid sum of eleven thousand six hundred sixty-six pounds thirteen shillings and four pence, on or before the second Tuesday in March, which will be in the year of our Lord one thousand seven hundred and nineteen; the further sum of one thousand six hundred sixty-six pounds thirteen shillings and four pence, other part of the aforesaid sum of eleven thousand six hundred and sixty-six pounds thirteen shillings and four pence, on the second Tuesday in March which will be in the year of our Lord one thousand seven hundred and twenty; and the further sum of one thousand six hundred sixty-six pounds thirteen shillings and four pence, residue of the aforesaid sum of eleven thousand six hundred and sixty-six pounds thirteen shillings and four pence, on the second Tuesday in March which shall be in the year of our Lord one thousand seven hundred and twenty-one. And the inquisitors aforesaid for the parish of St. Philip's Charlestown, for their better direction in the premises, are hereby directed and ordered to inquire into and take an account in writing of all such real and personal estates, negroes, stocks and abilities of the said merchants and other inhabitants living and residing within the limits of the said town plot of Charlestown, which they shall be possessed of, interested in or entitled unto, either in their own right or in the right of any other person as aforesaid, within the limits of the said town plot, or in or upon Ashley river and Cooper river, or other creeks or rivers within Charlestown Barr, and the same accounts to return to the Assessors, at the same days and times in this Act given to the other inquisitors; and that all and every merchant or other inhabitant of Charlestown, being possessed of any lands or negroes within or without the said limits, the same shall be inquired of by the said inquisitors of Charlestown: Provided always, Goods held on consignment not to be rated or taxed. nevertheless, that nothing herein before contained shall extend or be construed to give the said inquisitors or assessors any power or authority to take an account of, rate or assess, any such goods, wares or merchandizes, as shall be consigned to the merchants or factors in this Province immediately from the merchants of Great Britain and Ireland or elsewhere, to dispose of as factors only, and except as to the effects of transient persons, who have not resided within this Province for three months before such inquisition shall begin to be made.

V. *And whereas*, divers persons do in several parts of this Province keep publick storehouses, and in the same do vend great quantities of goods and merchandizes; *Be it therefore enacted* by the authority aforesaid, That during the continuance of this Act, some one or more of the inquisitors of such parish or precinct within this Province wheresoever any such storehouse is, and wherein such goods and merchandizes are sold, shall be and he and they are hereby impowered to pursue such ways and methods for the inquiring into and taking an account of such storekeepers as is directed by this Act for the inquisitors of Charlestown, and shall return the same to the assessors, who shall assess the said store-keepers after the same manner and in the same proportion as the same shall be assessed on the estates of the inhabitants of Charlestown, and if the said store-keepers find themselves overrated they shall have the like remedy. And the sums so assessed shall be paid unto the commissioners for receiving the tax, and shall remain in their hands until the same shall be drawn out from thence by order of the General Assembly; and the said store-keepers shall be subject to the same penalties in case they refuse to give in their accounts or make other default, as the inhabitants of Charlestown are subject unto by this Act. Inquisitors to use means to ascertain the stock of store-keepers to be rated and taxed.

VI. *And be it further enacted* by the authority aforesaid, That every inquisitor, or one of them, without the said limits of Charlestown, shall,

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Oath to be  
tendered by  
the Inquisitors.

before such inquisition made, administer the following oath to every person of whose estate by virtue of this Act he is directed to inquire into, viz. You, A. B., do sincerely swear now to render unto C. D. and E. F., or one of them, Inquisitors for this parish or precinct, a just and true account of all such lands, negroe and Indian slaves, mustees and mulattoes, men, women or children, which you are any ways possessed of, interested in or entitled unto within this Province, either in your own right or as executor or administrator, guardian or attorney to, or in trust for, any other person or persons whatsoever, and shall true answer make without any equivocation or mental reservation to all such other questions as now shall be demanded of you relating thereunto—so help you God; or this, you declare, according to the form of your profession; when the same shall be tendered to such persons who are known to be scrupulous in using the ceremony of laying their hands upon the book and swearing by the holy evangelists. And the said inquisitor or inquisitors shall then proceed to inquire of all such persons as before in this Act is directed; which said accounts, so rendered, given in or taken, the inquisitors shall fairly in writing under their hands return to the assessors hereinafter named, at such days and times and in such manner and form as hereinafter is prescribed.

Inquisitors to  
take an oath.

VII. *And be it further enacted* by the authority aforesaid, That every inquisitor hereby nominated and appointed, before he or they proceed to inquire as herein before is directed, shall take the following oath before any Justice of the Peace of this Province: I, A. B., appointed to be one of the Inquisitors for the parish or precinct of C, by virtue of a late Act of General Assembly of this Province, ratified the twentyeth day of February, one thousand seven hundred and eighteen, do hereby sincerely swear duely to put in execution the several powers and authorities to me given in and by the said Act, according to the best of my power, skill and knowledge---so help me God.

Penalty for  
concealment.

VIII. *And be it further enacted* by the authority aforesaid, That if any person or persons in giving or rendering an account of his, her or their lands, negroe, mustee, mulattoe and Indian slaves, to the inquisitors aforesaid, shall voluntarily or wilfully conceal any part thereof, all such persons shall forfeit all and every part of such real and personal estate so concealed, the one half to the informer, and the other half to the attorney that will sue for the same, by action of debt, bill, plaint or information, to be brought in the name of the publick Receiver for the time being, and without his leave or power to discontinue the same, unless by the consent of such attorney and informer, wherein no essoign or priviledge, protection, imparlance or wager of law, shall be allowed or admitted of; and the person or persons so concealing his, her or their lands, negroes, or mustee, mulattoe or Indian slaves, shall also be indicted at the next general sessions of the peace to be holden at Charlestown for this province, and being thereof convict, shall suffer the same punishment as in case of wilful perjury.

Persons refus-  
ing to render  
an account on  
oath.  
Penalty.

IX. *And be it further enacted* by the authority aforesaid, That if any persons who shall be legally required by any one of the inquisitors of that parish or precinct in which he, she or they usually reside or inhabit, without the said limits of Charlestown plot, shall refuse to render an account on oath of their lands, negroe and Indian, mustee or mulattoe slaves, he, she or they have or lay any claim to within the said parish or precinct, or within any other part of the Province aforesaid, or shall refuse to be examined on oath, in manner as aforesaid, touching all such other matters as the inquisitors are by virtue of this Act impowered and authorized to inquire into, that then and in such case, the inquisitor or inquisitors of such



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parish or precinct shall, according to their best information, knowledge or judgement, compute the full value of such persons' estates, and return the same to the assessors hereinafter named, and certify such refusal to the said assessors, who are hereby impowered and required to rate and assess all such persons doubly in proportion to what other persons are rated and assessed at; any thing herein before contained to the contrary notwithstanding.

X. *And be it further enacted* by the authority aforesaid, That in case any merchant or other inhabitant within the limits of Charlestown plot, shall refuse when thereunto required by the said inquisitors of that precinct, or any one of them, to render to the said inquisitors, or any one of them, before appointed for the said town, a particular account of his real estate, and the full amount of his personal estate and slaves, within the limits of the said town, the said inquisitors shall then proceed to appraise the real and personal estate of such person so refusing, to the full amount of what they shall believe the same to be worth, and shall certify the same and such refusal to the assessors hereinafter named, who are hereby required and impowered to rate all such persons so refusing doubly in proportion to what others are rated at.

Inhabitants of Charlestown refusing to render an account of real and personal estate.

XI. *And whereas*, divers planters and others, living in the country, are possessed of divers town lots, messuages and tenements, within the limits of the said town plot; *Be it therefore enacted* by the authority aforesaid, That all such planters and others do likewise give in an account thereof on oath to the inquisitors of their respective precincts, of the same, and in what part of the town they do lye, and the said inquisitors shall return the same to the said assessors, who shall assess the said persons so interested therein as if he, she or they were actually living and resident in the said town. And to prevent all disputes for the future, concerning the value of lots without the gates of Charlestown, the assessors are hereby required to rate each of such lots, and also the improvements thereon, at such rate as they shall adjudge the same to be worth; and as to other town lots, which lye in any other part of the country without the limits of Charlestown plot, the said inquisitors shall make no inquiry or return thereof.

Persons rateable to give an account where they live.

XII. *And be it further enacted* by the authority aforesaid, That in case sickness or any other reasonable hindrance shall prevent any one of the inquirers from coming to Charlestown and there delivering in their returns, by the time herein prefixed to the said assessors, any one other of the said inquirers for the same precinct shall, after affixing both their names to such their inquisition, swear the other to the truth of such his return, and that no person hath been omitted to his knowledge.

In case of absence from sickness, the Inquisitor may be sworn.

XIII. *And be it further enacted* by the authority aforesaid, That all the inquisitors shall return and give in their several accounts in writing under their hands or names thereunto subscribed, to the assessors hereinafter named, at the house of Madam Martha Guerard, in Charlestown, or at such other house as the said assessors shall think fit to meet at, in or near Charlestown, on the last Tuesday in March next, and on every last Tuesday in January in the three ensuing years, and every year during the continuance of this Act; which said accounts, hereby first intended to be returned and given in by the said inquisitors to the assessors hereafter named, shall be returned and given in on the last Tuesday in March now next ensuing. And the several inquisitors herein before appointed for the several parishes and precincts without the limits of Charlestown plot, at the time of giving in their respective accounts, shall also take the following oath: I, A. B., do sincerely swear, that

Duty of the Inquisitors.

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the accounts of the lands, negroe and Indian slaves, of the several persons whose names are comprised in the account I now give in and return to you, is a full, just and true account, according to the information to me given upon oath, as by this Act is required--so help me God. And the inquisitors herein before appointed to inquire for Charlestown, within the limits of the said plot, shall take the following oath, viz. I, A. B., do sincerely swear, that the accounts of the estates, real and personal, stocks and abilities, lying and being within the limits of the said town plot, of the several merchants and inhabitants of Charlestown, whose names are comprised in the account I now give in and return to you, are full, just and true, according to the best of my knowledge or information, as by this Act is required--so help me God.

Inquisitors to  
give in account  
of their own  
property.

XIV. *And be it further enacted* by the authority aforesaid, That the inquisitors aforesaid, for the several parishes and precincts without Charlestown, at the time of giving in their other accounts, shall likewise give in an account of their own lands and negro and Indian slaves, mustees and mulattoes, with their respective names, in writing under their hands, which belonged to them at the time of making their inquiry, and shall take the same oath, *mutatis mutandis*, as they are herein before required to administer to the rest of the inhabitants on taking their accounts; and the assessors hereinafter named, or any three of them, are hereby ordered to administer the same oaths hereinbefore mentioned, provided one of them be in the commission of the peace. And the inquisitors for Charlestown shall likewise at the same time of giving in their other accounts, give in their own accounts, under their hands, to the assessors, that is to say, the particular account of their real estate and the full value of their personal estate in slaves, under the penalty of being doubly rated for such neglect by the said assessors, who are hereby empowered to do the same in case of such neglect. And the inquisitors aforesaid, at the time of giving in their respective accounts, shall attend the assessors to answer all such questions as shall be demanded of them in relation to their returns, and shall not depart thence till such time as they are discharged from their attendance by the said assessors.

Assessors  
appointed.

XV. *And be it further enacted* by the authority aforesaid, That Col. Alexander Parris, Mr. Andrew Allen, Mr. Robert Tradd, Mr. George Smith and Major Thomas Hepworth, be and are hereby appointed Assessors for the raising, taxing and assessing of the aforesaid sum of Seventy Thousand Pounds on the lands, negroes and Indian slaves, mustees and mulattoes, of the several inhabitants of this Province living and residing without the limits of Charlestown, also on the estates, real and personal, stocks and abilities, of the several merchants and inhabitants living and residing within the limits of Charlestown, as aforesaid; any three of which assessors shall be a quorum. And the said assessors are hereby further empowered, ordered and directed, in the first place to compute and cast up the whole number of acres which shall be returned to them by the said inquisitors, and to impose and assess thereon five shillings for every hundred acres which shall be so returned according to the accounts to them given in by the said inquisitors, and the said assessors shall then compute how much the sum total at five shillings per hundred acres will amount unto; and having so done, the said assessors shall in the next place proceed impartially and indifferently to rate and assess the several merchants and other inhabitants living and residing within the limits of Charlestown plot, until they have duly proportioned the said sums of five thousand eight hundred thirty-three pounds six shillings and eight pence, two thousand five hundred pounds, one thousand six hundred sixty-six pounds thirteen

Sums to be  
assessed.



shillings and four pence, and one thousand six hundred sixty six pounds 13 shillings and four pence, hereinbefore mentioned, to be hereby raised and levied on the said inhabitants of Charlestown, according to the several accounts returned in to them by the inquisitors for the said town, which said several sums of five thousand eight hundred thirty-three pounds six shillings and eight pence, two thousand five hundred pounds, one thousand six hundred sixty-six pounds thirteen shillings and four pence, and one thousand six hundred sixty-six pounds thirteen shillings and four pence, the said assessors shall cause to be added to the sum total arising as aforesaid, upon the lands at five shillings per hundred acres, and whatsoever shall then appear to be deficient to make up the said tax or sum of thirty five thousand pounds hereby first intended to be raised for the year one thousand seven hundred and nineteen, or what shall hereafter be wanting of the said tax or sum hereby intended to be raised and levied for the years one thousand seven hundred and nineteen, one thousand seven hundred and twenty, and one thousand seven hundred and twenty-one, shall be imposed, assessed, raised and levied by the said assessors by way of poll, or so much per head, on all the negroe and Indian slaves, mustees and mulattoes, according to the numbers belonging to each inhabitant returned to them by the said inquisitors, whether the same be men, women or children, without any manner of difference or distinction of age or sex, save that an Indian slave being reputed of much less value than a negroe, all persons possessed of Indian slaves shall pay for each Indian in proportion to half the value of what shall be rated and imposed for each negroe, and no more. And for preventing all doubts and scruples that may arise what ought to be rated on mustees, mulattoes, &c. all such slaves as are not entirely Indian shall be accounted as negroe, and as such rated by the said assessors, who are hereby required to meet at the house of Madam Martha Guerard, in Charlestown, or at such other house as the major part of them shall agree upon, on the last Tuesday in March next, and upon every last Tuesday in January yearly and every year during the continuance of this act, for the doing thereof, and there sit *de die in diem* till they have indifferently and equally rated and assessed the said several sums of thirty-five thousand pounds, fifteen thousand pounds, ten thousand pounds, and ten thousand pounds, herein before mentioned to be levied and raised on the inhabitants as aforesaid : And the first meeting of the said assessors shall be on the last Tuesday in March now next ensuing ; and the assessment so made and fairly written under their hands and seals they shall indent, expressing the persons' names so assessed, with the sums of money each person is assessed at, and for what particular thing ; that is to say, whether the same be for land, negroe or Indian slaves, &c. opposite to the respective name of each person, and a copy of the said indented assessment, so signed and sealed by them or any three of them, to the commissioners for receiving the said tax shall transmit and deliver. And the assessors aforesaid shall, on the same day, before they begin to make their assessments, before any two Justices of the Peace, take the following oath : I, A. B., do sincerely swear that I will indifferently, equally and impartially rate and assess all and every person to me returned to be assessed by the inquisitors for that end appointed, according to the direction given me by this Act, and according to the best of my skill and knowledge---so help me God.

XVI. *And be it further enacted* by the authority aforesaid, That the said assessors shall in the assessing of the said sum of seventy thousand pounds, be allowed their reasonable expences ; and further, that the said assessors shall not be tyed up so strictly to the returns of the inquisitors but that they may have liberty to proceed according to better information or knowledge if need be ; and that they be allowed one messenger and five

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Slaves how to be rated.

Privileges of the Assessors.

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clerks, which said five clerks and messenger shall be allowed for their trouble such sums of money as they the said assessors shall think fit to allow them.

Property too
small for
assessment.

XVII. *And be it further enacted* by the authority aforesaid, That if any person's real or personal estate is of so small a value that it does not amount to two shillings and sixpence, neither the inquisitors nor assessors shall take any notice thereof, any thing herein contained to the contrary notwithstanding.

Death or ab-
sence of the
Assessors.

XVIII. *And be it further enacted* by the authority aforesaid, That if any of the said assessors shall happen to die, go off this Province, or refuse to act in the business aforesaid, that then and in such case it shall and may be lawful for the assessors aforesaid, or the majority of them, to nominate and choose one or more assessors in the room of him or them so dying, going off, or refusing to act, which assessor or assessors so chosen shall have the same powers and authorities, and be under the same directions and penalties, as the other assessors herein before appointed.

Assessors to
send indented
duplicates to
the inquisitors.

XIX. *And be it further enacted* by the authority aforesaid, That the assessors shall, before the first day of May next, and on or before the last Tuesday in February thereafter yearly, during the continuance of this Act, send duplicates of the said indented assessments to every set number of inquisitors, or to one of them, in each parish or precinct, and every of the aforesaid inquisitors of each and every parish and precinct, are hereby required to post the said respective assessments for each parish or precinct at the church door of the said parish or of every meeting-house, and such other most noted places as shall be most convenient.

Time and place
of paying the
tax.

XX. *And be it further enacted* by the authority aforesaid, That every person so assessed and rated as aforesaid, shall pay to the commissioners for that purpose named, his, her or their assessment, at such house as they shall think fit to meet at, in or near Charlestown, on the second Tuesday in May next, and on every second Tuesday in March yearly and every year during the continuance of this Act, or within ten days then next after at farthest; and in case any person shall refuse or neglect to pay their tax at the times herein before appointed for the payment thereof, the said commissioners, or any five of them, are hereby required, within six days after the respective times herein before limited for the payment of the same, to return the names of the persons so making default to the Chief Justice of this Province for the time being, together with the account of the sum of money each person is assessed at, requesting him to issue forth execution against the goods of such defaulters, who is hereby required thereupon to issue forthwith a *Fieri facias*, directed to the Marshal of the Court of Common Pleas, requiring him without delay to levy the said debt on the goods and chattels of the said defaulter; and the said Marshal is hereby required to sell and dispose of such goods at publick vendue at Charlestown, in twenty-four hours after they are so taken in execution and brought to Charlestown, and the moneys thereby arising forthwith to pay into the hands of the commissioners for receiving the aforesaid tax, that is to say, so much thereof as is mentioned in the said execution, returning the overplus, if any be, to the defaulter, after deducting such reasonable charges as shall be thought fit to be allowed by the said Chief Justice: And that all deeds of gift, mortgages, sales and assignments of the goods and chattels of such defaulters made to any person with intent to evade paying the said tax, are hereby deemed fraudulent and void to all intents and purposes whatsoever: And in case the marshal shall return a *Nulla bona* on the said *Fieri facias*, so that he could not levy execution thereon, then the said Chief Justice is hereby required forthwith to issue a *Capias ad*

Distress may
issue against
delinquents.

satisfaciendum against the body of the said defaulter for the said sum, requiring the said Marshal to take such defaulter in execution and him in safe custody to keep, until he shall pay his assessment aforesaid and the costs of such execution and levying thereof. A D. 1719.

XXI. *And be it further enacted* by the authority aforesaid, That in case any person shall happen to die between the time of giving in his account to the inquisitors and the payment of the same to the said commissioners, that then the executor, administrator or other person to whose hands the effects of the said deceased shall happen to come, shall pay the said assessment, or otherwise a *Fieri facias de bonis Testatoris* shall be issued by the said Chief Justice, and the executor, administrator or other person to whose hands the effects of the said deceased shall come, shall pay the said assessment for the said deceased, or otherwise the said marshal shall return a *Devastavit* thereon, and an execution shall issue *de bonis propriis* of the executor, administrator or other person in whose hands the same effects of the deceased shall happen to be. And if any person or persons so assessed shall be about to depart this Province before the respective days of payment, they shall pay to the said commissioners the sum so assessed or give security to the Chief Justice to pay their assessments at the respective days limited, or otherwise the said Chief Justice, at the request of the said assessors or commissioners, shall grant execution for the same forthwith, notwithstanding the respective days of payment are not then yet already come. And in case any person who has mortgaged his lands or negroes shall not pay a tax for the same, the mortgagee shall be answerable and subject to an execution as aforesaid for the sum so assessed on the mortgagor, if he, the said mortgagee, has got the lands or negroes so mortgaged in his possession; and in case he has not got such lands or negroes into his possession, that then the said negroes shall be subject to be taken in execution to answer the said assessment, (notwithstanding such mortgage,) in whose hands soever the same shall happen to be.

Executors or administrators liable for the tax assessed if property comes into their hands.

XXII. *And be it further enacted* by the authority aforesaid, That every person, as well assessors as others, who shall have reason to believe he is overrated for his interest in Charlestown, may, at the time of the meeting of the said assessors, or within such time as shall be allowed by the said assessors by publick advertisement to be posted at the watch-house in Charlestown for that purpose, have liberty to swear off what they shall be overrated, and the assessors are hereby impowered to administer such oath accordingly.

Persons over-rated may swear off the excess.

XXIII. *And be it further enacted* by the authority aforesaid, That in assessing of the sum of Seventy Thousand Pounds, if any fraction arise in each man's assessment, not exceeding a penny, the assessors may raise and assess such fraction notwithstanding the same may arise to more than what each year they shall be assessed at.

Fractions less than a penny to be assessed.

XXIV. *And be it further enacted* by the authority aforesaid, That Samuel Eveleigh, Esq. Mr. William Gibbon, and Capt. William Dry, be and are hereby appointed commissioners for drawing orders on the commissioners for receiving the tax herein after named, for payment of the arrears due to the officers and soldiers at the Savannah town garrison, and for the two scout boats to the southward, and for necessities for the same, amounting in the whole to the sum of two thousand three hundred sixty-five pounds six shillings and six pence, and for the moneys due on account of the late expeditions against the pyrates, amounting to the sum of eight thousand five hundred sixty-one pounds thirteen shillings and four pence; which orders so drawn shall be signed by the said commissioners who

Commissioners appointed for paying off the public debts.

A. D. 1719.

shall draw the same; and the said commissioners are hereby directed to deliver the said several orders so signed by them for the arrears due to the Savannah town garrison, amounting to one thousand three hundred seventy three pounds six shillings, to the commissioners for the Indian trade; and for the scout boats, amounting to nine hundred ninety-two pounds sixpence, to the commissioners of the said scout boats, to be by them paid in discharge of the said arrears; and the orders for the money due on account of the expeditions against the pirates, shall be draw naccording to a list of debts of the said expeditions, and delivered to the several claimers of the said debts.

£2000 appropriated to repair Johnsons Fort.

XXV. *And be it likewise enacted*, That Capt. Jonathan Drake be and is hereby appointed sole commissioner for repairing Johnson's Fort, and the foundation, platform, carriages and other necessities thereunto belonging, and that the sum of two thousand pounds be and is hereby appropriated for that purpose; and the said Jonathan Drake is hereby impowered to draw orders on the commissioners of the tax aforesaid, for defraying the charges aforesaid.

Orders with interest declared current to the commissioners.

XXVI. *And be it further enacted* by the authority aforesaid, That as well all and every of the said orders, as also all orders which now are extant and already drawn by the General Assembly, and all salaries now due by virtue of any law or ordinance of this Province, which shall be certified by an order under the hand of the publick Receiver on the commissioners of the tax, and all the outstanding orders, commonly called three sealed orders, with the interest thereon, and all the outstanding orders given out for necessities pressed for the Indian war, with the interest thereon, and all other orders already drawn by virtue of any law of this Province, and all orders which shall be drawn by this present General Assembly, as also all and every of them, shall and are hereby declared to be current to the commissioners of the said tax and the said publick Receiver, until the same shall be called in and cancelled, as hereby is intended. And in case any person shall refuse to take any of the said thirty thousand pounds bills of credit now extant, being duly tendered in payment, that then, in all and every such cases, it shall and may be lawful for every defendant, being hereafter sued for any debt or debts whatsoever, (unless gold, silver or plate, or the species of gold or silver be expressly mentioned in the bond or condition, contract or agreement, given by one to another,) to plead a tender of the said bills, *et adhuc paratus*, and bring the same into court; and in case the plaintiff or plaintiffs shall then refuse to accept of said bills, the court shall give judgement for the defendant against the plaintiff with double costs of suit to be taxed by the court, and such plaintiff or plaintiffs shall in such case forfeit his debt, and shall be from thenceforth immediately forever debarred of his debt aforesaid, and also from commencing any action or suit *de novo*, either in law or equity, for the same; and the court and courts shall observe all other rules of law and practice in relation to tenders, as hath heretofore been used, still deeming a tender of the said bills to be a lawful tender.

After cancelling £30,000, orders may be issued bearing interest at 10 per cent.

XXVII. *And be it further enacted* by the authority aforesaid, That the said tax or sum of thirty-five thousand pounds, hereby first intended to be raised on or before the second Tuesday in May, in the year one thousand seven hundred and nineteen, shall be applied towards sinking and cancelling so many of the said orders and debts as shall amount to the said sum of thirty-five thousand pounds. And to the intent that the same orders may be effectually cancelled and sunk, the commissioners hereby appointed for receiving the said tax shall, on the twenty-sixth day of May, in the year one thousand seven hundred and nineteen, issue forth a general notice, under

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their hands or under the hands of any five of them, for all persons who have any of the said orders then remaining in their hands, to bring them in and lay them before the commissioners for receiving the said tax, by a day certain, by the said commissioners to be inserted in the said notice, not less than one week next after the date of such notice, or otherwise that the said orders shall be and are hereby declared to be no longer current to the said commissioners of the tax or publick Receiver, than as in the said notice shall be expressed; and upon the persons bringing in such orders, the said commissioners shall deliver out such bills of credit for the same as they shall receive from others in the payment of the said tax hereby first intended to be raised and paid in to the said commissioners as aforesaid; and the said commissioners for receiving the said tax shall then cause thirty-five thousand pounds of the said orders so brought in, in payment of the said tax, to be raised for the said year one thousand seven hundred and nineteen, to be cancelled and burned. And to the intent that no person may plead ignorance of the said notice, the said commissioners for receiving the said tax shall cause duplicates of such notice or notices, under their hands or under the hands of any five of them, to be affixed at every church or meeting-house door of each parish and such other publick places as they shall see occasion for. And the commissioners of the said tax are hereby required to allow no further interest on any of the said orders that now bear interest than until the time by them allotted for the paying in and cancelling the same.

XXVIII. *And be it enacted* by the authority aforesaid, That after the commissioners of the said tax have cancelled the said sum of thirty-five thousand pounds in orders, as aforesaid, and have the remaining part of the orders brought into their hands, they are hereby authorized and empowered to issue out new orders under their hands, bearing an interest of ten per cent. per annum, to be delivered out by them to such persons as shall be concerned, in the room of all the orders so remaining uncanceled, after the cancelling the aforesaid sum of thirty-five thousand pounds, which said new orders shall be current in payment to the publick Receiver and commissioners of the tax, after the same manner as is before directed in this Act, until the second Tuesday in March in the year one thousand seven hundred and nineteen following, and no longer. Provided the said new orders do not exceed the sum of five thousand pounds, with the interest computed thereon to the said second Tuesday in March, as aforesaid.

XXIX. *And be it further enacted* by the authority aforesaid, That the said tax or sum of fifteen thousand pounds, for the year one thousand seven hundred and nineteen, shall be applied by the commissioners of the tax as followeth: that is to say, the sum of five thousand pounds towards cancelling all the said new orders with the interest thereon, and the other ten thousand pounds shall be applied to the sinking of so many bills of credit as shall equal the said sum of ten thousand pounds: and the remaining sums of ten thousand pounds and ten thousand pounds, hereby intended to be raised for the years one thousand seven hundred and twenty and one thousand seven hundred and twenty-one, shall be applied by the said commissioners of the tax towards sinking the remainder of the said thirty thousand pounds bills of credit, yearly and every year, until the same be wholly and entirely cancelled and sunk, and to no other use, intent or purpose whatsoever.

Application of
£35,000.

XXX. *And whereas*, great complaint hath hitherto been made by persons having occasion for moneys to pay in their tax, that they have been forced to give extravagant premiums for taking up moneys to discharge the same, or that they have been forced to sell their commodities

Prices of goods
to be received.

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for about two-thirds of the value, or less than what the usual price of commodities then usually bore, by reason of persons taking advantage of their immediate necessities; *Be it therefore enacted* by the authority aforesaid, That all persons paying any tax for the years one thousand seven hundred and nineteen, one thousand seven hundred and twenty, and one thousand seven hundred and twenty-one, shall have liberty to pay in their respective taxes to the said commissioners of the taxes in good and merchantable rice (of which goodness the commissioners of the said tax shall be sole judges), at thirty shillings per hundred weight for the year one thousand seven hundred and nineteen, at twenty-five shillings per hundred weight for the year one thousand seven hundred and twenty, and at twenty shillings per hundred weight for the year one thousand seven hundred and twenty-one, computing five score to the hundred, the weighing whereof shall be at the charge of the owner so paying his tax; and the said rice shall be delivered to the said commissioners upon the Bay in Charlestown, in good and merchantable barrels, of which goodness the said commissioners shall be sole judges, and the said commissioners shall allow seven shillings and six pence for each barrel they receive in the year one thousand seven hundred and nineteen, six shillings and three pence for each barrel they receive in the year one thousand seven hundred and twenty, and five shillings for each barrel they receive in the year one thousand seven hundred and twenty-one; and in case the said rice or barrels shall not be good and merchantable in the opinion of the said commissioners, they shall refuse to receive the same, and the owner thereof shall be dealt with in all cases as a defaulter not paying in his tax.

Rice paid in, to
be sold forth-
with.

XXXI. *And be it further enacted* by the authority aforesaid, That the commissioners receiving the said tax, if any rice shall happen to be delivered to them in payment as aforesaid, shall dispose of the same as soon as conveniently may be, for the best price they can reasonably get in bills of credit, and the bills of credit so received for the said rice (after deducting charges of storage and other necessary charges, and after deducting the charges of this assessment) together with the said bills of credit so to be paid by the rest of the persons so assessed as aforesaid, shall burn or cause to be burnt in the presence of the rest of the said commissioners, or any five of them, keeping an account nevertheless of the bills so received for the said rice or otherwise.

Counterfeiting
bills of credit.

XXXII. *And be it further enacted* by the authority aforesaid, That if any person or persons shall counterfeit any of the said bills or orders now extant and issued or to be issued as aforesaid, or knowing any of them to be false or counterfeit shall utter the same in payment, that then, in such case, the counterfeiter or any one aiding or fraudulently contriving and assisting to utter any such false or counterfeit orders or bills, being thereof duly convicted at the next general sessions of the peace to be holden for this Province, shall be deemed guilty of felony, and shall suffer as a felon, without benefit of the clergy.

Commissioners
nominated.

XXXIII. *And be it further enacted* by the authority aforesaid, That Colonel Thomas Broughton, Colonel George Logan, Colonel William Rhett, Arthur Middleton and Ralph Izard, Esqs. Richard Beresford, Landgrave Joseph Morton, Benjamin Godin, Esq. and Capt. Christopher Wilkinson, be and are hereby appointed commissioners for receiving the said tax or sum of seventy thousand pounds, and sinking and cancelling the orders and bills of credit as aforesaid, and shall be allowed one or more clerks and a messenger, and pay them what they shall think reasonable, and shall begin to meet at the house of Madam Martha Guerard, or such other house in or near Charlestown as they shall think fit, on the

second Tuesday in May next, and at or upon the second Tuesday of March following the same yearly and every year during the continuance of this Act, and there sit *de die in diem*, or as often as need shall be, to receive the said tax, call in the said orders, and to do such other matters as by this Act is required of them.

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XXXIV. *And be it enacted* by the authority aforesaid, That if any of the said commissioners for receiving the said tax shall happen to die, go off, or refuse to act, the other commissioners shall have the same power of choosing others in their room as herein before is given to the assessors, and the commissioner or commissioners so chosen shall have the same powers and authorities and be subject to the same penalties as the rest of the commissioners for receiving the said tax herein named have and are subject unto.

Provision in case of death or refusal to act.

XXXV. *And be it further enacted* by the authority aforesaid, That every inquisitor, assessor, commissioner for receiving the tax, and every other magistrate and officer which shall neglect to do and perform the charge and trust herein and hereby to them given and committed, shall for every neglect of his duty in the premises forfeit the sum of one hundred pounds, to be recovered in any court of record in this Province, by action of debt, bill, plaint or information, to be brought in the name of the publick Receiver, one half to the use of the publick and the other half to the use of the informer, wherein no essoign, imparlance, protection or wager of law shall be allowed.

Penalty on neglect of duty.

XXXVI. *And be it further enacted*, That the charges accruing by this assessment, viz. the expenses of the assessors and their clerks and messenger, and the expenses of the commissioners for receiving the tax, with their clerks and messenger, as also the expenses of the commissioners appointed by this Act for drawing orders, and their clerk, (a computation of which charges and expenses shall be made and computed as near as may be by the said assessors before the finishing the said assessment, and added by them to the several assessments hereby intended to be made as aforesaid,) shall be paid by the commissioners for receiving the said tax, out of the bills of credit that shall come to their hands in payment of the said tax.

Charges and expenses to be paid by the receiving commissioners.

XXXVII. *And be it further enacted* by the authority aforesaid, That the two several Tax Acts, the one intituled an Act to continue the currency of Thirty Thousand Pounds in Bills of Credit, &c., ratified the thirtieth of June, one thousand seven hundred and sixteen, and the other Act intituled an Additional Act to an Act intituled an Act to continue the currency of Thirty Thousand Pounds in bills of Credit, and ratified the eleventh of December, one thousand seven hundred and seventeen—and also one other Act intituled an Act to empower the Honourable the Governour to raise forces to be sent to the assistance of the Cherikees against their enemies, and for the providing for their subsistence and payment of the same, ratified the fifth of July, one thousand seven hundred and eighteen—and every of the three Acts last abovesaid, and every matter, article, clause and thing in them or any of them contained, be and is hereby repealed.

Repeal of three former Acts.

XXXVIII. *And be it further enacted* by the authority aforesaid, That the Chief Justice for the time being, at the request of the said commissioners of the tax, be and is hereby empowered to grant new executions, and take such methods for the recovery of the arrears of the tax which was to be paid on the eleventh of March, one thousand seven hundred and seventeen, as herein before is directed, against the defaulters of paying in the tax appointed to be raised by virtue of this Act.

New executions to be granted.

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Instructions to
the inquisitors.This Act to con-
tinue in force
till the orders
on £30,000 bills
of credit are
cancelled.

XXXIX. And to the end that the said inquisitors may be the better informed of their duty in the premises, *Be it enacted* by the authority aforesaid, That the Clerk of the Commons House of Assembly be and he is hereby required to transmit to the said inquisitors the copies of such clauses as in this Act relate to the said inquisitors duty.

XL. *And be it further enacted* by the authority aforesaid, That this Act shall and do continue in full force until all the said orders and the said thirty thousand pounds in bills of credit be called in and cancelled according to the directions of this Act, and until the end of the then next sessions of the General Assembly, and no longer.

*Read three times and ratified in open Assembly,
the 20th of February, 1718-9.*

ROBERT JOHNSON,
ALEXANDER SKEENE,
THOMAS BROUGHTON,
CHARLES HART,
FRANCIS YONGE.

NOTE.—This Act has no number in the original. Repealed by the last section of the Act of September 21, 1721, for raising £17,248,

No. 399. AN ACT to continue the Garrison at Savano Town, and the two Scout Boats appointed to be placed to the Southward, and to discharge the Officers and Soldiers who were employed in the late Expedition to the Creek Indians, and to make provision for the charges of the same.

(Ratified July 5th, 1718. The original too much mutilated to be copied.)

No. 400. AN ACT FOR REVIVING AND CONTINUING THE SEVERAL ACTS HEREIN MENTIONED, WHICH ARE EXPIRED OR NEAR EXPIRING, AND ALSO TO REPEAL ONE OTHER ACT THEREIN NAMED.

WHEREAS, divers of our temporary laws, which by experience have been found useful and beneficial to the publick, are already expired or near expiring—therefore for the reviving and continuing the same,

I. *Be it enacted*, by his Excellency John Lord Carteret, Palatine, and the rest of the true and absolute Lords and Proprietors of the Province of Carolina, by and with the advice and consent of the rest of the members of the General Assembly, now met for the South and West part of this Province, and by the authority of the same, That one Act entituled an Act for the encouragement of trade and navigation, by building and owning of ships and vessels by the inhabitants of this Province and others, and encouraging artificers to come into and build the same, ratified in open Assembly the twenty-eighth day of June, in the year of our Lord one thousand seven hundred and eleven, so far forth as relates to paying seven shillings and six pence per ton out of the publick Treasury to the builder or owner of any ship or vessel in this Province as

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therein set forth ; also, allowing a drawback for the stores and necessaries applied and expended in and to the building of any such ship or vessel, and paying the powder for the same—one other Act entituled an Act for the keeping and maintaining of a watch in Charlestown, ratified in open Assembly the eighteenth day of December, one thousand seven hundred and thirteen—one other Act entituled an Act to settle a guard in Johnson's Fort, on Wind-mill Point, ratified the said eighteenth day of December, one thousand seven hundred and thirteen—and one other Act entituled an Act for the more speedy commencement and prosecution of suits of law in the Court of Common Pleas in this Province, ratified also the said eighteenth day of December, one thousand seven hundred and thirteen—one other Act entituled an Act for the mending and keeping in repair the causeway over the marsh of Combee river, in Colleton county, ratified in open Assembly, the twenty-fifth day of February, in the year of our Lord one thousand seven hundred and fourteen-fifteen—and one other Act entituled an Act to prohibit all Indian trade and commerce with our Indian enemies living in and about St. Augustine, Pensacola, Mobile or the river Messassipi, and for laying a duty on all Indian corn and peas exported from this Province, when the same exceeds the prices therein mentioned, ratified in open Assembly the eleventh day of December, in the year of our Lord one thousand seven hundred and seventeen—are hereby declared revived, continued and enacted to be of full force for and during and unto the full term and time of two years after the ratification of this Act, and from thence to the end of the first session of the next General Assembly, and no longer.

II. Whereas, by an Act of this Province, ratified June the twenty-ninth day, one thousand seven hundred and seventeen, entituled an additional Act to an Act entituled an additional Act to the several laws for making and repairing of highways, ratified June the seventh day, one thousand seven hundred and twelve, it is therein enacted that an high road be laid out from the north-east side of Goose Creek, over against the plantation of Landgrave Thomas Smith, to the causeway leading to the ferry on Cooper River, and that a bridge be made on the same road over Foster Creek, at such fit and convenient place as the commissioners therein named shall order and direct, and that the said road and bridge be made at the equal charge and labour of all male persons, as well whites and slaves, from the age of sixteen to sixty years of age, living and residing within the bounds and limits therein expressed : and whereas since that Act has been ratified, it is found that the road and bridge therein mentioned to be laid out and made according to the directions of the same, will not when made and finished answer the end and design as was thereby intended ; to save so great charge and expense of time, labour, and money as would necessarily attend the completing of that work by the persons concerned therein as directed by that Act, *Be it therefore enacted* by the authority aforesaid, That the said Act ratified June the twenty-ninth day, one thousand seven hundred and seventeen, which enjoyns the persons within the bounds and limits therein expressed, to make the high road and bridge mentioned in the same, be from henceforth repealed ; as also a clause in a law, ratified the seventh day of June, one thousand seven hundred and twelve, for making and laying out a road from the plantation of Thomas Perryman to the Church at Goose Creek, &c.; and the said Act and clause, and every thing therein contained, are hereby made null and declared void and repealed, and that all the persons living and residing within the bounds and limits in that Act and clause mentioned, be and they are hereby enjoined to work on the same roads, causeways, and bridges, and no other,

A. D. 1718. as they were by law obliged to work upon before the said above mentioned Act and clause were ratified and enacted, any thing therein or in any other Act of this Province contained, to the contrary notwithstanding, and under the same penaltys and restrictions as by any former laws are appointed.

*Read three times and ratified in open Assembly,
the 5th day of July, 1718.*

ROBERT JOHNSON,
ALEXANDER SKEENE,
NICHOLAS TROTT,
THOMAS BROUGHTON,
CHARLES HART,
FRANCIS YONGE.

NOTE.—In this Act Nos. 305, 340, 341, T. A. 14, 349**, 392, are revived and continued for two years. No. 375, and paragraph 5 of 317, are repealed.

No. 401.

AN ACT TO SETTLE AND REGULATE THE INDIAN TRADE.

Preamble.

WHEREAS, the well settling and regulating the trade to be carried on between this Province and the several Indian nations in amity with the same, is of the last consequence to the safety and preservation of all his Majestie's subjects inhabiting within this government. And whereas, forts and garrisons are undoubtedly necessary for the preservation and well carrying on the said trade; and whereas the said forts and garrisons on the frontiers of the said Indians have been and now are maintained at the sole cost and charge of the publick of this Province, towards which charge it is most reasonable that all persons trading with the Indians should contribute :

Commissioners
named to direct
the trade.

I. *Be it therefore enacted* by his Excellency John Lord Cartaret, Palatine, and the rest of the true and absolute Lords and Proprietors of the Province of Carolina, by and with the advice and consent of the rest of the members of the General Assembly, now met at Charlestown for the south and west part of this Province, and by the authority of the same, That the honourable Colonel Thomas Broughton, Colonel George Logan, and Ralph Izard, Esq. be and they are hereby nominated commissioners to order, direct and manage the trade that shall be carried on by the publick of this Province with the Indians in amity with this government, for the sole use, benefit and behoof of this Province, and they or the major part of them, shall meet immediately after the ratification of this Act, and shall have power and they are hereby impowered to execute all the authorities and powers given them as commissioners by this Act, and shall continue so until removed by a vote of the House of Commons, who are hereby impowered to continue and at pleasure to place and displace all or any of the commissioners, and also to lessen or increase the number of the said commissioners, so as the said number shall not be above five, and the majority of the number so appointed by the House of Commons shall have full power to transact and put in force all the authorities given them by virtue of this Act. And in case of the death or absence of any of the said commissioners, or any of them refusing to act, (and the Assembly not then sitting) the major part of the remaining commissioners shall make choice of so many in his or their room as shall make up the number

The number
not to exceed
five.

Substitutes
how appointed.

appointed as aforesaid, and the persons so chosen commissioners shall continue till removed as aforesaid. A. D. 1719.

II. *And be it further enacted* by the authority aforesaid, That the said commissioners, or any other person that shall be hereafter made a commissioner according to this Act, shall before his or their taking upon him or them the execution of the several powers given him or them by this Act, enter into bond, in the penalty of one thousand pounds, currant money of this Province, with one sufficient security, who shall be an inhabitant of this Province, unto the speaker of the Commons House of Assembly for the time being, and any two members of the said House, who are hereby impowered to take the said bonds for the use of the publick, and in case the House of Commons is not in being, then such commissioners appointed by this Act shall give like bond to the Publick Receiver for the use of the publick, which said bond or bonds shall be laid before the next House of Commons at their first meeting; and the condition of such bond shall be after this manner, that is to say, the condition of the above obligation is such, that if the above bounden A B, appointed commissioner by virtue of an Act entituled an Act to settle and regulate the Indian trade, ratified in open Assembly the twentieth day of March, in the year of our Lord one thousand seven hundred and eighteen, shall and will faithfully execute and perform the several powers and authorities given unto him as one of the commissioners of the Indian trade, and that to the best of his skill and understanding he will manage, order and direct the carrying on the publick trade of this Province with the Indians in amity with this government, for the sole use, benefit and behoof of the publick of this Province, to the best advantage, and that he shall give his advice, counsell and assistance for the support and good government of the same, and that he shall pursue such methods therein as he shall believe to be most for the preservation of the peace and security of this Province, and that during the time of his acting as commissioner, he shall neither directly or indirectly trade with any Indian or Indians or any other person whatsoever, in the way of the Indian trade, on his own private account, and that he shall not take any presents, fee or reward whatsoever, either from any Indian trader or any person whatsoever concerned in the Indian trade directly or indirectly, but shall according to the best of his knowledge do equal and impartial justice to all persons in all cases that shall come before him to be decided, then the above obligation to be void, otherwise to be and remain in full force and virtue; and the said commissioners are likewise to make oath on the holy evangelists, before any one justice of the peace of this Province, who is hereby impowered to administer the same, after the same form of words as is directed in the above condition, *mutatis mutandis*.

To give bond
in £1000.

Condition of
the bond.

III. *And be it further enacted* by the authority aforesaid, That the commissioners aforesaid and their successors, shall be one body politick and corporate, by the name of the commissioners for carrying on a trade with the Indians for the sole use, benefit and behoof of the publick, and by that name shall have perpetual succession and a common seal, and that they and their successors by the name aforesaid shall be able and capable in the law to have, purchase, receive and retain to them and their successors, in trust for the publick of this Province, any lands, rents, tenements and hereditaments, goods, wares and merchandizes, of what kind, nature or quality soever, and also to sell, grant, demise, alien and dispose of the same, for the use aforesaid; and by that name to sue and implead, be sued and impleaded, answer and be answered, in any court of record, or any other place whatsoever; and to do and execute all and singular other mat-

Commissioners
incorporated.

A. D. 1719.

ters and things, by the name aforesaid, that to them shall or may appertain; to be subject, nevertheless, to such instructions, limitations and restrictions, as shall from time to time be given them by the Commons House of Assembly of this Province.

Commissioners may enact regulations with penalties.

IV. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for the said commissioners or the major part of them and their successors, to make reasonable constitutions, orders or instructions, from time to time, for the good government of the said trade with the Indians, and of their factors, agents, servants and others, concerned in the same, and to inflict reasonable penalties and punishments, by fines or otherwise, for any breach or breaches thereof, and to levy such fines to the use of the publick stock of the said trade.

The trade to be carried on at 3 factories only.

V. *And be it further enacted* by the authority aforesaid, That the publick trade aforesaid shall be carried on and restrained to the three garisons or factories following, that is to say, at the fort now at the Savano Town, at the fort now at the Congerees, or at some more proper place thereabouts, as shall be hereafter directed by the said commissioners, and at a fort to be built at the old Apalachocolas Town on the Savano river; and it shall be lawful upon any emergent occasion, and when it is ordered and directed by the Commons House of Assembly, for the said commissioners or the major part of them, to order and direct any of their factors or servants to carry any of the goods, wares, or merchandizes belonging to the said factories, to any Indian nation whatsoever, and dispose of the same, any thing herein to the contrary thereof in any wise notwithstanding.

Commissioners may employ agents who shall give bond and security.

VI. *And be it further enacted* by the authority aforesaid, That the said commissioners or the major part of them, are impowered to choose and agree with so many and such agents, factors and servants, and to place and dispose of them to such places as is before directed, or as the said commissioners shall be ordered by the Commons House of Assembly; and the said agents or factors, shall give bonds with one security, in the penal sum of five hundred pounds currant money, to observe and follow all such orders and instructions as shall be from time to time given them by the said commissioners, in relation to the trade aforesaid.

Duty of the Cashier.

VII. *And be it further enacted* by the authority aforesaid, That the person whom the said commissioners or the major part of them, shall from amongst themselves nominate and appoint the cashier of the Indian trade, shall receive all such sums of money as at this present time is outstanding and belonging to the publick stock of the said trade, or which shall hereafter be appropriated by any Act of Assembly of this Province, for the carrying on the said trade with the Indians or supporting the garisons to be maintained in the several forts above mentioned, and shall pay all such sums of money as he shall be ordered by the said commissioners, for paying of the wages or salaries, or for any other charge arising or becoming due on account of the said trade, and also shall pay unto each of the said commissioners, the quantity or value of one thousand pounds weight of drest deer skins, and to himself, over and above his salary as commissioner, the quantity or value of three hundred pounds weight of drest deer skins (such salary to be paid to each of them by equal half yearly payments) in lieu of all manner of fees, perquisites or demands whatsoever.

Commissioners may inspect and adjust all accounts,

VIII. *And be it further enacted* by the authority aforesaid, That the said commissioners herein before named, or the major part of them, are hereby impowered and authorized to examine, audit and adjust all and singular the accounts, books of accounts, contracts and agreements, now belonging to the late commissioners of the Indian trade, who managed the same

for the publick use of this Province, and having adjusted and settled the said accounts, they are to receive the said books of accounts, together with all and singular the goods, wares, merchandizes, contracts, agreements, and what else is in their custody or possession, belonging to the said publick trade, or that does in any wise appertain thereto whatsoever; and the said commissioners herein by this Act appointed, shall at the next meeting of the Commons House of Assembly lay a fair state of the publick trade, and how the same was managed by the late commissioners, and how the agreements made by them were complied with in behalf of the publick, and how many of the said agreements and contracts are still unprovided for, which agreements shall be stated with the interest thereon, and laid by the commissioners aforesaid, before the Commons House of Assembly, who shall make good the same to the full value, by an ordinance of the General Assembly on the treasury of this Province.

A. D. 1719.

And report the state of the trade to the General Assembly.

IX. *And be it further enacted* by the authority aforesaid, That the commissioners herein before by this Act nominated and appointed, are hereby ordered and required, out of the stock of the publick trade by them received from the late commissioners of the said trade, in the first place to make good and pay off all and singular the contracts and agreements for goods, and then the salaries, wages, or other debts the said late commissioners were engaged in on account of the said trade, and apply the remainder in carrying on the said trade for the use aforesaid.

The present commissioners to discharge the debts of their predecessors.

X. And for the better encouragement and security of all merchants and others dealing and contracting with the commissioners aforesaid, in behalf of the publick, *Be it enacted* by the authority aforesaid, That in case it should so happen, that by any misfortune by war with the Indians or any unforeseen accident, the commissioners aforesaid should be disabled from complying with their agreements made in behalf of the publick, that then all such agreements uncomplied with shall be made good to the full value with the interest thereon, by the publick of this Province, by an ordinance of the General Assembly on the publick treasury, as the said sums due shall be stated by the said commissioners and laid before the Assembly.

Debts incurred by the commissioners guaranteed by the General Assembly.

XI. *And be it further enacted* by the authority aforesaid, That the publick stock of the said trade shall not exceed the value of thirty thousand pounds weight of drest deer skins, and that the stock and the profits arising by the said trade, shall be applied in paying the several salaries and wages due to the said commissioners, cashier, their agents, factors, and paying and maintaining the servants and soldiers in the said three garrisons, and what remains over and above, shall be in the first place applied to building three stone or brick forts at the said three places, after such manner and form and of such dimensions as the said commissioners shall direct, and for purchasing two thousand acres of land for the publick use of this Province, next adjoining to the said forts; and after such forts are finished, then the profits of the said trade undisposed of shall be disposed of by an order of the General Assembly.

The stock in trade not to exceed 30,000 lbs. of deer skins.

Net profits to be disposed of by the General Assembly.

XII. *And be it further enacted* by the authority aforesaid, That the number of men to be employed by the publick trade, and in pay in those three garrisons, shall not exceed the number of sixty men, one half whereof to be free men, under a pay of not exceeding the value of one hundred pounds weight of deer skins per annum, each of them, and the other half to be servants that are already bought, or which shall hereafter be purchased by the said commissioners for the public service, if servants be to be had, and in case there can be no servants had, then the

Men employed not to exceed sixty.

A. D. 1719.

number to be supplied by hired free men ; which number of men shall be placed in the said respective garrisons in such numbers as the commissioners shall think proper, and they shall be under the command of three factors and three sub-factors, who shall be recommended by the said commissioners, to have the commission of the honourable the Governor for the time being, the chief factor as Captain and the sub-factor as Lieutenant of the said garrisons, which sub-factors shall likewise be obliged to go and come in the publick perriagos with the effects of the publick trade ; and the said commissioners shall allow to each factor a sum not exceeding the value of five hundred pounds weight of drest deer skins yearly, and to each sub-factor or perriago man, a sum not exceeding the value of two hundred and fifty pounds weight of drest deer skins yearly ; and the said commissioners may yearly provide for the said garrisons, ninety barrels of beef and seven hundred and twenty bushels of corn, to be distributed to each garrison according to the proportion of the men placed in each garrison.

Pay of factors.

Publick sales
may be managed
by the factor
in Charlestown

No. 292.

XIII. *And be it further enacted* by the authority aforesaid, That as often as the said commissioners or their successors shall have occasion, or shall think it proper to expose any skins, furs, slaves, goods, wares or merchandizes belonging to the publick trade aforesaid, at publick outcry or vandue, it shall and may be lawful for any of their factors or store keeper in Charlestown to do, perform and execute all and every matter and thing in the publication and execution of the said publick sale and vandue, according to the directions of the said commissioners, and as is directed by an Act of this Province, ratified in open Assembly April the 8th, 1710, entituled an Act for appointing a publick vandue master for the selling such goods and merchandizes as shall be exposed to sale by publick outcry, in as full a manner as the said vandue master can or may do, perform and execute ; any thing in the said Act or any other law, usage or custom, to the contrary thereof in any wise notwithstanding.

Traders to be
licensed

And to give
security.

XIV. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful, after the ratification of this Act, for all his majesties subjects that are willing to trade and adventure their goods amongst the Indian nations in amity with this government, as well as the publick of this Province, to trade to and amongst the said Indians, under such rules, limitations and restrictions as is hereafter directed, that is to say, all and every person and Indian trader, that shall desire to live, trade or deal, either directly or indirectly, with any Indians whatsoever (except the Indians actually living in and amongst the English settlements) for any skins or furs, slaves, or for any other commodities whatsoever, shall first have a license under the hand and seal of the said commissioners, and the said commissioners shall upon granting of every license bind the person that takes the said license, with two sufficient securities, in the penal sum of five hundred pounds, currant money of this Province, conditioned that such person during his residence amongst the Indians, shall do no injury or injustice to the said Indians, but shall well and justly behave himself as well towards the said Indians as also towards his fellow traders, and shall also well and truly observe, perform, and keep all and singular the instructions that he shall from time to time receive under the hands and seal of the said commissioners touching the same, and moreover that he shall not directly or indirectly trust or credit any Indian upon any pretence whatsoever ; and if any person shall trust any Indian contrary to the true intent and meaning of this Act, and the same be made appear to the said commissioners, he so trusting shall not

only forfeit double the sum so owing him by the Indian or Indians, but shall also forfeit his bond and be rendered incapable of being any more a trader among the said Indians; and the bonds to be given as aforesaid, shall be to the said commissioners, who are hereby empowered to put the same in suit in case of any default, and the forfeitures to be recovered by such suit shall be paid to the cashier of the said publick trade, to be disposed of by order of the said commissioners, for the publick use of the said trade.

A. D. 1719.

XV. *And be it further enacted* by the authority aforesaid, That the said commissioners shall be empowered, and they are hereby empowered, to frame general instructions to be given to all traders when they take out their licenses, and likewise such particular instructions and orders as to them shall seem convenient to be given at that time, or at any time after, as occasion shall require, with respect to the diversity of time and place and other circumstances; which instructions or orders so given all and every Indian trader or traders, to whom the same is given, shall give due obedience to the same, and upon breach or failure thereof, it shall be in the power of the said commissioners to call in such license and to declare the same null and void, and may also order the bond given as aforesaid, to be put in suit against the person that hath made such breach of his instructions, or against his securities.

Commissioners
may issue
instructions.

XVI. And whereas, several persons commonly known by the name of old Indian traders, have been of most profligate and wicked lives, and so notoriously infamous for their wicked and evil actions, that they have brought a most dreadful and bloody Indian war upon this Province, to the utter ruin of great numbers of his Majesties subjects inhabiting the same, and they and others of the like wicked principles and practices may again attempt to go to trade amongst the Indians, who notwithstanding any bonds given by them as before directed by this Act, may put in practice such their wicked actions amongst the Indians, at that distance and with that privacy, that there may not be such sufficient proof against them as may be required by law to make a forfeiture of their bonds; so that for the preventing such dangerous consequences to this Province as may again happen if persons most notoriously infamous are permitted to go to trade amongst the Indians, it will be absolutely necessary to lodge a discretionary power in the said commissions. to deny any such person a license to trade amongst the Indians; *Be it therefore enacted* by the authority aforesaid, That the said commissioners are hereby authorized, empowered and required, to refuse a license to any person or persons that are of ill fame, and whom they really believe to be of dangerous consequence if suffered to go and trade amongst the Indians.

Commissioners
may refuse a
license.

XVII. *And be it further enacted* by the authority aforesaid, That if any person whatsoever (except as before excepted) shall at any time from and after the ratification of this Act, trade or deal, either directly or indirectly, with any Indian or Indians (except as before excepted) for any furs, skins or slaves, or for any other commodity whatsoever, without first having obtained a license from the commissioners aforesaid, or after such license called in and declared void as is before directed by this Act, for every such offence he shall forfeit the sum of one hundred pounds, current money of this Province, to be recovered and disposed of as is hereafter directed by this Act.

Penalty of tra-
ding without
license.

XVIII. *And be it further enacted*, That every license taken out by any person whatsoever, to trade as aforesaid, shall continue for the term of one year, and no longer.

Licenses to be
valid for one
year only.

A. D. 1719.

Commissioners
may purchase
their goods
from Great
Britain to the
amount of
£3000 sterling,
in one year.

XIX. And whereas, it may often happen that the said commissioners may not find Indian trading goods to purchase in this Province, or but such small quantities thereof as will not be sufficient to supply the said garrisons, to the endangering the loss of the friendship of the Indian nations now in amity with this government, and put the commissioners aforesaid under the necessity of giving most exorbitant prices for such goods, to the great loss and damage of the publick of this Province, and endangering the safety of the same, *Be it therefore enacted* by the authority aforesaid, That it shall be and it is hereby declared lawful, for the commissioners aforesaid to make contracts and agreements for Indian trading goods, with any merchant or other person living in Great Britain or elsewhere, for such and so many of the same as they shall think sufficient fully to supply the said factories, upon such terms as they shall judge most proper for the service and interest of the publick; provided always, that such contracts and agreements do not exceed in any one year the value of three thousand pounds sterling money of Great Britain.

Contracts
which are not
complied with
on account of
war, to be cer-
tified by the
Commissioners
to the General
Assembly.

XX. And for the better security and encouragement of all such merchants or other persons contracting with the said commissioners as is above directed, *Be it further enacted*, That in case of any misfortune by war, danger of the seas or otherwise, the said commissioners should be rendered incapable of paying or complying to make good all or any such contracts, that the said commissioners or their successors shall make application to the Commons House of Assembly of this Province, and lay before them the said contracts and agreements, and what is wanting to make good the same, in order to obtain orders of the General Assembly on the Treasury of this Province, and it is hereby declared that the publick faith engaged by the said commissioners shall be made good to the true and full intrinsic value of such deficiencies, with interest arising thereon, until the same be fully satisfied and paid.

Persons not
licensed may
be ordered
away by the
Commissioners
and compelled
to go.

XXI. *And be it further enacted* by the authority aforesaid, That in case any person or persons whatsoever shall reside and live amongst the Indians, whether it be on the pretence of trading or otherwise, and having no license as is above directed, and doth refuse to depart the Indian nations when ordered by the said commissioners so to do, it shall be lawful for the said commissioners, and they are hereby authorized and impowered, by a warrant under their hands and seals, directed to the factors of such garrisons as lieth nearest to such Indian nation, ordering him to send such a sufficient detachment of his garrison to the said Indian nation, and apprehend and bring down such refractory person or persons, and deliver him or them into the custody of the Provost Marshal of this Province, who is hereby required to receive such person or persons, and him or them in close confinement to keep, until he or they have paid all the charges of his or their bringing down, and has given bond with sufficient securitys that he or they will not go up amongst the Indians without a license, as is directed by this Act.

Complaints and
controversies
to be decided
by the commis-
sioners.

XXII. *And be it further enacted* by the authority aforesaid, That the said commissioners shall have full power and authority to decide, hear and determine all and all manner of complaints, differences or disputes, that may happen to arise between Indian traders and Indians, and redress any grievance complained of by the Indians, by all lawful and prudent means and methods; and the commissioners aforesaid are hereby further authorized and impowered to enforce obedience to such decrees, orders, or judgments as they shall give in the premises, by committing the person or persons refusing to give obedience to such decrees, orders or judgments, to prison, until he give bond with good security, to obey the same.

XXIII. *And be it further enacted* by the authority aforesaid, That the clerk or book-keeper of the said commissioners for the time being, is hereby authorized and impowered to take, demand, and receive, to the value of eight pounds of drest deer skins, from each and every trader that shall hereafter take out a license, pursuant to this Act, which sum is allowed such clerk or book-keeper for drawing and writing the license, obligation and instructions for every trader.

A. D. 1719.

Fee for license.

XXIV. And to the end that all persons trading with the Indians living to the South and West of the Savano river, and with the Charokees and Catapaws, may receive assistance and protection from the said three garrisons, *Be it therefore enacted* by the authority aforesaid, That all persons designing to carry on a trade on their private accounts with the said Indians, and having qualified themselves by taking out their licences, and coming with their servants, goods, pack horses and other carriages, either by land or by water to any of the said garrisons, the commissioners aforesaid are hereby required to give their orders to the publick factors in the said garrisons, to give all manner of aid, assistance, protection, storage, pasturage for the horses, and lodging for the servants and traders during their abode there, provision only excepted, for which, if there be any to spare from the publick service there, they are to pay the market price for so much, in skins, as they shall have occasion for, and also to assist them in ferrying over their goods and horses over the Savano and Santee or Congaree rivers, and do all other needful services for them as if they actually belonged to the said publick trade; and if any factor or other servant belonging to the publick trade, shall neglect or refuse to give such aid, assistance or protection as is herein required of him, the persons aggrieved may complain thereof to the said commissioners, who are hereby required to hear such complaint, and if the same be fully proved before them, then to order such punishment on the aggressors by defalcation of their wages or otherwise, as they shall think fit.

Licensed traders to be aided and protected by the garrisons, but to pay for their provisions.

Factors refusing assistance may be complained of.

XXV. And to the end that the said three garrisons may be supported, as well for the benefit of the private as the publick trade, *Be it further enacted* by the authority aforesaid, That all persons, Indian traders or others, returning from any Indian nation, living upon, near, or to the south and west of the Savano river, or from the Charokees or Catapaws; they shall come and enter all their furs and skins, and Indian slaves, or other merchandize, purchased from the Indians aforesaid, with the public factor of the respective garrison most convenient for them to come to, and pay either in specie after the rate of ten per cent. of all such skins and furs, slaves or other merchandizes, so purchased of the Indians by them, to such publick factor, or secure and pay the value of the same to the Cashier of the Indian trade, in Charlestown. And the said public factors, in order to the better enabling of them to recover such duties, are hereby impowered and vested with all the powers and authorities given by any law of this Province to the publick Receiver and Comptroller for collecting and recovering all manner of duties or customs in the port of Charlestown, and persons offending are hereby declared lyable to the same seizures, penalties and punishments as those are that offend in not paying their duties and customs, to be also recovered by the said commissioners after the same manner as the publick Receiver can do the same. And all the produce arising by such duties shall be applied by the said commissioners towards the supporting and maintaining those three garrisons, of which they are hereby directed to keep a separate account, and lay the same before the Commons House of Assembly at every time of their meeting after prorogation, to be perused by the members of the House.

Traders returning to enter their Indian purchases with the Factor, and pay 10per cent.

A. D. 1719.

No Indian carrier of burtheners to approach a settlement nearer than to the garrison.

Exception.

XXVI. And to prevent the danger that may happen to befall this Government by reason of great number of Indians coming into the heart of the English settlements, either as burtheners, or under pretence of trading, whereby they may have an opportunity to fall on the same by surprise, and by killing and destroying the stock of cattle of the inhabitants, have created difference; *Be it therefore enacted* by the authority aforesaid, That it shall not be lawful for the future, either for the account of the publick trade, or for that as shall be carried on by private persons, to bring any Indian burtheners nearer the settlements than the said garrisons, which said garrisons shall have a full supply of goods to answer the demands of all Indians requiring a trade there; and if any persons, either on the publick account or on any private trade, shall consent or bring into the English settlements any Indians, excepting such as shall come to wait on the Governour of this Province about the affairs of Government, they shall forfeit the sum of five pounds for each Indian, to such person or persons that shall sue for the same in any court of record in this Province, and also shall make good all manner of damages done by the said Indians to any private person whatsoever, either by killing their stock, eating their provisions, or burning their fences, which shall be recovered of the person or persons bringing down such Indians, or of such persons as shall deal, trade, traffick, or barter with the said Indians in the said settlements, by action of debt or upon the case; and if any person whatsoever, living and residing in the settlements, shall deal, trade, barter or traffick with any foreign Indians, encouraging them thereby to come in great numbers into the settlements, (excepting as before excepted) such person or persons so offending shall forfeit five hundred pounds current money, any thing in this Act to the contrary notwithstanding.

No private person to trade with Indians nearer to a factory than 20 miles.

XXVII. And to prevent the confusions that may arise by having dealers or traders of separate interest trading at the same place; *Be it therefore enacted* by the authority aforesaid, That it shall not be lawful for any private trader to deal or trade with any Indians within twenty miles of the said factories; and as soon as any private dealers or traders are settled in any Indian nation with a sufficient stock of merchandizes, the commissioners aforesaid are hereby required to withdraw the publick effects out of such town or nation, and confine their trade to the said three factories, as the said Indian nations become supplied by private traders.

Duty of the Assessors.

XXVIII. *And be it further enacted* by the authority aforesaid, That the assessors appointed by the Act commonly called the Tax Act, ratified in open Assembly February the 20th, 1718-9, shall, and they are hereby appointed and impowered to rate and assess all such persons as they are by that Act appointed to rate and assess for the tax to be paid in May, 1719, for the sum of five thousand pounds over and above what such persons are appointed to be rated and assessed at by virtue of the said Act, and after the same manner and method in every respect as is therein prescribed, any thing in that Act to the contrary contained in any wise notwithstanding.

Three commissioners appointed to receive the taxes.

XXIX. *And be it further enacted* by the authority aforesaid, That Colonel Thomas Broughton, Colonel George Logan, and Ralph Izard, Esq., and they only, are hereby appointed commissioners to receive the several taxes, amounting in the whole to the sum of seventy-five thousand pounds, appointed to be paid by virtue of this and of one other Act, commonly called the Tax Act, ratified in open Assembly, February the 20th, 1718-9; and they or any two of them shall have and are hereby invested with the same full powers and authorities in every respect and to all intents and purposes as is given to the nine commissioners for that purpose

appointed in and by the aforesaid Act, any thing therein contained to the contrary in any wise notwithstanding. A.D 1719.

XXX. *And be it further enacted* by the authority aforesaid, That the commissioners last above named shall and they are hereby impowered and required to appropriate the sum of five thousand pounds, part of the sum arising by the first tax, appointed to be paid them in May, 1719, pursuant to the directions of this or any other Act now in force in this Province, for and towards increasing and enlarging the stock of the commissioners of the Indian trade, and to and for no other use, intent or purpose whatsoever; any thing in this or in any other Act of this Province to the contrary thereof contained in any wise notwithstanding.

£5000 to be appropriated to enlarging the stock of the Indian trade.

XXXI. *And be it further enacted* by the authority aforesaid, That the sum of two pounds per cent. of the whole tax, amounting to the sum of seventy-five thousand pounds, shall be and is hereby allowed and appropriated for and towards satisfying and paying the commissioners by this Act appointed for receiving of the said tax, and for payment of the clerks and messenger that shall attend them in that business; any thing in this or any other Act of this Province to the contrary contained in any wise notwithstanding.

Two per cent. of the whole tax appropriated to pay the commissioners.

XXXII. *And be it further enacted* by the authority aforesaid, That in case any inquisitor appointed for any parish or precinct within this Province by virtue of the Act commonly called the Tax Act, shall die, go off this Province, or be any way rendered incapable of performing such his duties, that then and in such case, the other inquisitor or inquisitors of any such parish or precinct shall, and he or they are hereby required to choose another fit person to be an inquisitor for the same parish or precinct, who shall be sworn to act as such, according to the directions of the aforesaid Act; which inquisitor or inquisitors so chosen and sworn shall have the same full powers and authorities, and be under the same directions and penalties, as the other inquisitors named in the same Act.

Provision in case of death of any inquisitor.

XXXIII. *And whereas*, there is an absolute necessity at this juncture of sending some proper goods to and among our friendly Indians, which said goods cannot be supplied by the commissioners of the Indian trade, but may be had and taken up for the service of the publick of and from Messrs. Godin and De la Conseillere, merchants, in Charlestown; and where as, several of the inhabitants of this Province have subscribed to pay as much money as will purchase the said goods, and give their bonds to the said Godin and De la Conseillere for payment of the respective sums of money in such bonds particularly mentioned, and it being highly just and reasonable that all those persons should be so secured that their particular private estates may not be made liable to suffer any loss or damage for such an action of theirs done for the service of the publick; *Be it therefore enacted* by the authority aforesaid, That in case of any unforeseen accident befalling the said goods, so that the said commissioners of the Indian trade cannot be able to repay those inhabitants aforesaid who have engaged themselves as above mentioned to pay Messrs. Godin and De la Conseillere for the said goods, so to be sent among our friendly Indians, that then the said inhabitants shall be fully satisfied and paid out of the publick treasury of this Province the several respective sums of money they have engaged to pay the said Messrs. Godin and De la Conseillere, for the aforesaid goods.

Provision in case of accident befalling the goods.

XXXIV. *And be it further enacted* by the authority aforesaid, That all the fines and forfeitures mentioned in this Act, and not before particularly disposed of and the manner of the recovery directed by this Act, the one half thereof shall be and belong to the commissioners aforesaid, to be

Distribution of fines and forfeitures.

A. D. 1719.

paid to the cashier of the publick trade, for and towards the maintenance and support of the said three garrisons or factories, and the other half to him or them that shall sue for the same within six months after the offence committed, by action of debt, suit, bill, plaint or information, in any court of record in this Province, wherein no essoign, protection, privilege, injunction, or wager of law or stay of prosecution by *non vult ulterius prosequi*, or otherwise, shall be admitted or allowed.

Persons sued
may plead the
general issue.

XXXV. *And be it further enacted* by the authority aforesaid, That if any action, claim, suit or information, shall be commenced or prosecuted against any person or persons for what he or they shall do in pursuance or execution of this Act, such person or persons so sued may plead the general issue of not guilty, and upon issue joyned, give this Act and the special matter in evidence, and if the plaintiff or prosecutor shall become nonsuit, or suffer discontinuance, or if a verdict pass against him, the defendant or defendants shall recover his or their treble costs, for which he or they shall have the like remedy as in any case where costs by law are given to the defendants.

Acts heretofore
passed, repealed

XXXVI. *And be it further enacted* by the authority aforesaid, That one Act of Assembly of this Province, entituled an Act for the better regulation of the Indian Trade, by empowering the commissioners therein named to manage the same for the sole use, benefit and behoof of the publick, ratified in open Assembly the thirtieth day of June, one thousand seven hundred and sixteen—as also one other Act intituled an Additional Act to an Act entituled an Act for the better regulation of the Indian trade, by empowering commissioners to manage the same, for the sole use, benefit and behoof of the publick, ratified in open Assembly the fifteenth day of December, one thousand seven hundred and sixteen—and also one other Act of Assembly, entituled an Act to continue two certain Acts of Assembly of this Province therein mentioned, ratified in open Assembly the eleventh day of December, one thousand seven hundred and seventeen—and every clause, article or sentence, and all and every word, matter and thing contained in any of the said recited Acts, be from henceforth repealed, annulled, revoked, and for ever made void; any thing in the said Acts, or any continuance or limitation in any of them, to the contrary whatsoever in any wise notwithstanding.

Limitation of
this Act.

XXXVII. *And be it further enacted* by the authority aforesaid, That this Act and every thing therein contained shall be in force from and after the ratification hereof untill the full term and time of five years, and from thence to the end of the next sessions of the General Assembly after, and no longer.

*Read three times and ratified in open Assembly,
this 20th day of March, 1718-9.*

ROBERT JOHNSON,
A. SKEENE,
THO. BROUGHTON,
CHARLES HART,
FRANCIS YONGE.

A. D. 1719.


(The Acts of 1719 and 1719-20 do not profess to be ratified in the usual way, but are merely assented to by the Governor. The usual numbering with red ink is no longer continued. I have therefore numbered the succeeding Acts in sequence to the preceding, and filled up the titles, where wanting, from Trott's Laws of South Carolina.)

AN ACT FOR REMOVING ALL QUESTIONS AND DISPUTES CONCERNING THE ASSEMBLING AND SITTING OF THIS PRESENT ASSEMBLY OF THE SETTLEMENT IN SOUTH CAROLINA.

No. 402.

FOR preventing all doubts and scruples which may in any wise arise concerning the meeting, sitting and proceeding of this present Assembly ;

I. *Be it declared and enacted* by the Honourable James Moore, Esq. Governour, by and with the advice and consent of the Council and Representatives of the inhabitants of the said settlement, now assembled at Charlestown, and by the authority of the same, That the Representatives of the said Settlement, convened at Charlestown, the seventeenth day of December, Anno Domini one thousand seven hundred and nineteen, and there sitting, together with the Council on the twenty-first day following of the same month, are the two Houses of Assembly of the said Settlement, and so shall be, and are hereby declared, enacted and adjudged to be, to all intents, constructions and purposes whatsoever, notwithstanding any want of writ or writs of summons, or any other defect of form or default whatsoever, as if they had been summoned according to usual form ; and that this present Act and all other Acts to which the assent of the present Governour, the Honourable James Moore, Esq. shall at any time be given, before the next prorogation after the said twenty-first day of December, shall be understood, taken and adjudged in law to begin and commence upon the said twenty-first day of December, on which day the said James Moore, Esq. at the request and by the advice of the said Council and Representatives, did on the behalf and in the name of his Majesty King George, accept of the Government of the said Settlement.

*I do on His Majesty's behalf, assent to this Act :
this 23d December, A. D. 1719.*

JA. MOORE.

AN ORDINANCE for the Repayment of those persons who have subscribed and agreed to pay Capt. JOHN GENDROON Rice for the use of the Agent in Great Britain.

No. 403.

(Passed Jan. 30, 1719-20. The original not now to be found.)

AN ORDINANCE FOR ADJOURNING THE NEXT GENERAL SESSIONS.

No. 404.

Passed February the 6th, 1719-20.

WHEREAS, in and by an Act entituled an Act for the Adjournment of the General Sessions to be holden on Wednesday the eighteenth of this instant October, and for the directing how the General Sessions may at any time be adjourned for the future—ratified in open Assembly the eighteenth day of October, in the year of our Lord one thousand seven

A. D. 1719. hundred and four—it is, among other things in the said Act contained, provided and enacted that at any time after the ratification of the said Act the General Sessions may be adjourned by an Ordinance of the General Assembly, and not otherwise; as in and by the above recited Act, reference being thereunto had, doth and may more fully and at large appear: And whereas, it is found that the list of the grand jurymen for this settlement wants some regulation before those jurors can conveniently be drawn, by means whereof there is a necessity of adjourning the General Sessions, which is to be holden on Wednesday the sixteenth day of March next, to some farther time;

I. *It is therefore ordained*, by the concurrence of the Governour and Council and the Representatives of the inhabitants of this Settlement in South Carolina, and by the authority of the same, That the General Sessions appointed to be held on Wednesday the sixteenth day of March next, shall, by order of the honourable the Governour and Council, be adjourned to the last Wednesday in April, which shall be in the year of our Lord one thousand seven hundred and twenty.

HEPWORTH, SPEAKER.

Assented to in the Upper House.

JA. MOORE.

No. 405. **AN ACT FOR PREVENTING THE EMBEZZLEMENT OF THE PUBLIC RECORDS OF THIS SETTLEMENT, AND FOR OBTAINING THE SAME OUT OF THE HANDS OF SUCH PERSONS AS NOW HAVE THE CUSTODY THEREOF.**

(Passed February 12, 1719: Trott says 1719-20—but the original is not in conformity to the double stile of the historical and civil year. The same remark applies to some of the subsequent Acts.)

Preamble.

WHEREAS, nothing is more necessary for the well-being of a Colony than the preservation of the publick records, whereby the titles of the several inhabitants to their estates are secured, and their minds quieted; but sundry evil-disposed and disaffected persons, in open and manifest violation and breach of the several laws of force in this Settlement, and in opposition to the now present establishment, have made away with several of the publick and private Acts of Assembly, as also all the records of grants, mortgages, registries, and other titles of the several inhabitants to their respective lands, as also all the original wills, and divers other publick records of this Settlement, or concealed the same, so that they cannot be come at or got, to the manifest and great injury of all the inhabitants thereof;

Penalty for embezzling or concealing the records, £1000.

1. *Be it therefore enacted*, by the Honourable James Moore, Esq. Governour, with the advice and consent of the Council and Representatives of the inhabitants of the said Settlement of South Carolina, now met in General Assembly in Charlestown, and by the authority of the same, That if any person or persons whomsoever who hath the custody or keeping of such publick records at the time of the ratification of this Act, or that had the custody or keeping of the same since the twenty-first day of December last, or who knows where such records are concealed, or is privy any ways to such concealment, and doth not, or shall not, within six days after the ratification of this Act, produce and deliver the same to William Blakewey, Esq. the present Secretary, or discover where such records are concealed, and by whom, then such person or persons and

every of them so offending, shall forfeit and pay, for the use of the publick, to the publick Receiver for the time being, the sum of one thousand pounds current money of this Settlement, to be recovered by action of debt, bill, plaint, information, or otherwise, in any of the courts of record within the said Settlement, wherein no protection, wager of law, privilege, or essoin, or more than one imparlance, shall be allowed.

A. D. 1719.

II. And for the better encouragement of persons discovering where the said publick records are concealed, *Be it further enacted* by the authority aforesaid, That all and every person or persons who shall make discovery where the records aforesaid are concealed, and by whom such records are concealed, at any time since the said twenty-first day of December last, or hereafter, so as the said records may be had, and the said persons so by him or them charged shall be thereof duly convicted, by verdict or confession, shall be entitled to the sum of one hundred pounds current money of the said Settlement, to be paid out of the publick treasury by the publick Receiver, who is hereby required to pay the same forthwith, upon such person's producing a certificate of the conviction of the persons so by them proved as aforesaid, from the said judges of such court of record.

I do assent to this Act, this 12th day of February, A. D. 1719.

JA. MOORE.

AN ACT FOR THE BETTER REGULATING COURTS OF JUSTICE.

No. 406.

(Passed February 12, 1719–20. The original not now to be found.)

AN ACT FOR THE SPEEDY RECOVERY OF SMALL DEBTS OUT OF COURT, BEFORE A SINGLE JUSTICE OF THE PEACE.

No. 407.

FORASMUCH as it is requisite that there be some remedy for the recovery of small debts,

I. *Be it enacted* by the Honourable James Moore, Esq. Governour, by and with the advice and consent of the Council and Representatives of the inhabitants of this settlement in South Carolina, now assembled at Charles-town, and by the authority of the same, That in all cases wherein the real debt or damage doth not exceed the value of four hundred weight of good and merchantable rice, it shall and may be lawful for any one Justice of the Peace, and he is hereby impowered, to issue his warrant, directed to any lawful marshal or constable, to summons the defendant to appear before him, at such time and place as he shall appoint, and upon full hearing and good evidence, he shall give his judgement in the matter, which shall be final and conclusive to both plaintiff and defendant, without further appeal. And in case of non-appearance, upon warrant duely served, being so returned by the constable, and affidavit made thereof, such Justice may and is hereby impowered and required to pronounce judgement by default, as is used in the court of common pleas, and after judgement given in any case may grant an execution against the body or against the goods of the defendant, directed to the marshal or other officer as aforesaid, to levy the said fine, debt or damage, with charges thereupon, as is usual for the recovery of larger sums; and such officer, by virtue thereof, shall expose the

Where debt or damage doth not exceed four cwt. of merchantable rice, one Justice of Peace has full jurisdiction, and the cause may proceed in the usual way.

A. D. 1719.

same goods to sale, returning the overplus, if any be, to the defendant. And in case such complainant be non-suited, or judgement pass against him, then the said Justice is hereby impowered to assess to the defendant reasonable costs against such complainant, to be levied and recovered in manner and form above expressed.

In case defendant denies the debt.

II. *And be it further enacted* by the authority aforesaid, That the oath of the plaintiff, if the magistrate hath reason to believe the same to be true, shall be deemed sufficient to prove the defendant's debt; but in case the defendant shall deny the same upon oath, then the plaintiff shall be obliged to produce some white person or free man to prove the said debt.

I do assent to this Act, this 12th day of February, A. D. 1719.

JA. MOORE.

No. 408 AN ACT FOR PRESERVING THE ARMS, AMMUNITION, AND OTHER WAR-LIKE STORES BELONGING TO THE PUBLICK OF THIS SETTLEMENT.

Preamble.

WHEREAS, the Publick of this Settlement, from the royal bounty of his gracious Majesty King George, has received a good quantity of arms, ammunition and other warlike stores, sent hither for the defence of the same, besides which the said Settlement has been at great expences to buy and procure great quantities of arms and warlike stores for the said purpose, which for want of sufficient power in some person to recover such as have been lent out, and to get such as remain in the magazine mended, cleaned, and kept in good order, will be either imbezelled or spoiled with rust, to the great loss and endangering the safety of this Settlement;

Commander of every company to give public notice.

I. *Be it therefore enacted* by the Honourable James Moore, Esq. Governour of this Settlement, by and with the advice and consent of the Council and the Representatives of the freemen, now met at Charlestown, in General Assembly, for the said Settlement, and by the authority of the same, That immediately after the passing of this Act, upon the Governor's issuing out of his order for that purpose to the commander of every company of the militia in this settlement, he shall publish and advertise at the head of their respective companies that all persons whatsoever having any of the publick arms or accoutrements, on any pretence whatsoever, shall, in the space of two months after such advertisement, bring all such publick arms and accoutrements to the respective commanders aforesaid. And in case any person or persons whatsoever, after the expiration of the said time, shall be found to have any of the said arms or accoutrements in his or their custody, the same shall be seized by a warrant under the hand and seal of the said commanders, directed to the serjeants of their respective companies where such arms and accoutrements are concealed, who shall bring the said arms and accoutrements to the said commanders, as also the person or persons concealing the same, who being thereof convicted, by the oath of one witness, shall forfeit the sum of forty shillings for each such arms or accoutrements, to be recovered and disposed of as is hereafter directed; and the commander aforesaid shall, by the first opportunity, send such arms, so by him recovered or received, to the commander of the Magazine in Charlestown, taking his receipt for the same.

Arms, &c. when found, to be seized.

II. And for the more effectual getting the publick arms that were from time to time delivered out or lent, *Be it further enacted* by the authority aforesaid, That the commander or keeper of the Magazine in Charlestown, shall make an extract out of the books and vouchers of the late

keepers of the Magazine, that is to say, out of the books and vouchers of Capt. Matthew Porter, deceased, and of Major William Blakewey, late commander of the said Magazine, and likewise out of the books and vouchers of any other persons whatsoever, and divide the said extract into as many parts as there are companies in this Settlement, and transmit a copy of the same to the captain or commanding officer of each company, so far as relates to the said company, requiring him to make enquiry of the persons mentioned in the said extract (if living,) or of their executors or administrators (if dead,) what became of the publick arms or accoutrements mentioned therein, and how the same were disposed of, or whether they paid for the said arms, and to whom, and at what price; and the commanding officer aforesaid is hereby impowered to administer an oath to the party concerned or mentioned, to declare his knowledge concerning the same. And the said commanding officer is hereby ordered to return in writing an account of his proceeding herein, to the keeper of the Magazine aforesaid, to be by him laid before the Commons House of Assembly at their next meeting. And any person or persons neglecting or failing to pay due obedience to what is required or enjoined them herein, shall forfeit the sum of ten pounds, to be recovered and disposed of as is hereafter directed.

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Books and vouchers to be examined to discover who are liable for arms, &c.

III. And that there may be a proper method prescribed for the issuing or delivering out of arms, ammunition or other warlike stores, *Be it further enacted*, That the Honourable the Governour or the Commander-in-Chief of this Settlement for the time being, upon all necessary occasions or other emergencies, shall direct a warrant or order under his hand (a copy of which shall remain filed in the Secretary's office,) directed to the said keeper of the Magazine, to deliver out such and so many arms, ammunition, and other warlike stores, then in his custody, mentioning therein to what use or service the same are designed; and if the same be mentioned to be for any publick service, then the person or persons receiving the same shall give a promissory note to the keeper of the Magazine, obliging himself to render him a true and faithful account how, and after what manner, and to what use, the same were applied, when it shall be demanded of him, that the same may be laid before the next Assembly. And in case any person or persons, inhabitants of this Settlement, shall procure a warrant or order as aforesaid for any arms, ammunition, or other warlike stores, for the safeguard of his family, then the keeper of the Magazine is hereby required to take a bond, on penalty of treble the value of such arms, ammunition or other warlike stores, of such inhabitants, on condition to return the same, or such like arms, ammunition and other warlike stores, in as good order and of the same value as the same were delivered to him or them, whensoever the same shall be demanded of him or them by an order of the Governour or Commander-in-Chief aforesaid.

Commander in Chief to deliver out arms, &c. specifying for what purpose.

IV. *And be it further enacted*, That it shall not be lawful for any person or persons, on any pretence whatsoever, to make sale of or transport out of this Settlement by way of loan, or other ways, any of the publick arms, ammunition or other warlike stores, under penalty of five hundred pounds, except the same be done by ordinance of the General Assembly, and except in case of a publick enemy or pirate being on the coast.

No person to transport arms, &c. out of this Province, on any pretence, under penalty of £500.

V. And that the said arms may be always kept in good order, *Be it enacted*, That the keeper of the Magazine shall provide a convenient and secure place or magazine, fitted up for keeping the same in, and shall be allowed fifty pounds yearly for the rent of the said place; and Col. Michael Brewton shall be Armourer, for cleaning, mending and keeping the said arms, cartouch boxes and belts, in good order and fit for service, and shall

A magazine and armourer provided.

A. D. 1719.

be paid for the same yearly the sum of one hundred and fifty pounds current money, upon a certificate under the hands of a committee of the House of Commons, of the true performance of his work, directed to the publick treasurer, which sum he is hereby required to pay accordingly.

Offence of
plugging or
oversetting
cannon, &c.

VI. *Whereas*, several of the great guns on the front line of Charlestown, and likewise the carriages of and belonging to the same, have of late, by some disorderly persons, been overset, and some of them turned off and thrown quite down the bank before the said line, and some of the said guns plugged up, and the piles and plank taken and carried away by such persons; for the prevention whereof for the future, *Be it enacted* by the authority aforesaid, That whatsoever person or persons shall hereafter, by the oath of one or more credible witness or witnesses, be convicted of oversetting any one or more of the great guns belonging to the fortifications of Charlestown, or plugging any of them up, or removing the same from their places, or the carriage or carriages thereunto belonging, (other than such persons who are or shall by law be impowered so to do,) shall, each person, for every such offence of plugging up, oversetting or removing each gun or carriage, or taking away the said piles or plank, as aforesaid, or doing any other damage to the same, not only make good the said damage by him and every of them so done thereunto, but put each gun and carriage in the place from whence the same was by him or them removed, and likewise forfeit the sum of forty shillings current money, to be recovered on complaint made to any one Justice of the Peace in Charlestown; and in case of failure of payment, the said Justice is hereby impowered forthwith to commit such offender to prison, there to remain for the space of three days, and in case he shall not pay the same in three days, together with the charges, the said Justice is hereby impowered to order the said person or persons to suffer corporal punishment, by each of them receiving twenty stripes on his bare back, to be inflicted and laid on by any white person belonging to the commander of the said fortifications, and he to tie the said person so offending, to one of the great guns there, in order to the inflicting the said punishment hereby enjoyned.

Penalty.

Suit may be
brought under
this Act in any
court of record.

VII. *And be it further enacted*, That all manner of actions and suits, fines, forfeitures or penalties, that shall be commenced or prosecuted according to this Act, if the same be above the value of forty shillings, it shall be sued and recovered by action of debt, bill, plaint or information, in any court of record in this Settlement, wherein no essoign, protection, priviledge of law or injunction, shall be admitted or allowed of; one half of which forfeitures so recovered shall be applied to the buying and restoring the arms to the publick magazine, in the room of those lost or imbezelled, and the other half to him or them that shall sue for the same; and if the said sum, so to be sued for, do not exceed forty shillings, then the same is to be recovered as is directed by the Act for the trial of small and mean causes, and after the same is recovered, then to be disposed of as is above directed,

I do assent to this Act, this 12th day of February, A. D. 1719.

JA. MOORE.

No. 409. AN ACT for keeping and maintaining a Watch and good orders in Charlestown.

(Passed February 12, 1719-20. The original not now to be found.

A. D. 1719.

No. 410.

AN ACT for cutting and clearing a Creek from the head of Back River, over against the Landing of Major David Durham, to the Bridge near the Plantation of Capt. Roger Moore, in the Parish of St. James Goose-Creek.

(Passed February 12, 1719-20. The original is dated 12 Feb. 1719.

See last volume.)

No. 411.

AN ACT for the making of a Road or Highway from Johnson's Fort on James Island, to the West end of the Causey leading to Wappoo Bridge, and from the said Causey into the high road leading from the Plantation of William Gibbs to the Church of St. Andrew, on the South side of Ashley River; and for explaining the first clause of an Act of Assembly of this Settlement, ratified the tenth day of November, 1711, relating to the cutting and making a path out from the Road on the North side of Ashley River, to the town of Wilton in Colleton county.

(Passed February 12, 1719. The Act referred to has no number: it follows No. 305. *See last volume.*)

No. 412.

AN ACT for continuing the Road on the South side of Ashley River from the Creek commonly called Jacob's or Wait's Creek to Westo Savanna inclusive.

(Passed February 12, 1719-20. *See last volume.*)

No. 413.

AN ACT for reviving and continuing the several Acts therein mentioned, which are expired or near expiring; and likewise for repealing one clause of another Act therein named; and also for declaring some other laws heretofore passed in this settlement of South Carolina to be of full force within the same.

(Ratified February 12, 1719-20. By this Act, of which the original is not now to be found, the Acts No. 213, 317, 349, 361, are revived and continued for two years; the Act No. 399, revived and continued for one year; the clause mentioned in the Act No. 395, repealed. The whole of Act 395, with other Acts, was repealed by an instrument under the several hands of the Lords Proprietors, and under the great seal of the Province, dated July 24, 1719, and exemplified after the title of Act 395. The Acts No. 106, 259, 395, 394, are hereby declared in full force.

The Act No. 259, was repealed by an instrument under the several hands of the Lords Proprietors, and under the great seal of the Province, dated July 22, 1718, exemplified at No. 385. And the Acts No. 394, 395, are repealed by an instrument under the hands of the Lords Proprietors, dated July 24, 1719, exemplified at No. 395.

A. D. 1719.

No. 414.

AN ACT AGAINST EXCESSIVE USURY.

No higher
interest to be
taken than 10
per cent. per
annum,

I. *Be it enacted* by the Honorable James Moore, Esq. Governour, by and with the advice and consent of the Council and the Representatives of the inhabitants of this settlement in South Carolina, now assembled at Charlestown, and by the authority of the same, That no person or persons whatsoever within this settlement, whether inhabitant or foreigner, upon any contract from and after the end of this present session of this Assembly, shall exact or take, directly or indirectly, for loan of any moneys, wares, or merchandizes, or other commodities whatsoever to be paid in money, above the value of ten pounds for the forbearance of one hundred pounds, for one year, and so after that rate for a larger or lesser sum, or for a longer or shorter time; nor shall any person or persons whatsoever within this settlement as aforesaid, from and after the time aforesaid, exact or take, directly or indirectly, for loan of any rice, wares, merchandizes or other commodities, for one year, to be paid in rice or other commodities of this settlement, above the value of ten per cent. for any such commodities for one year, and so after that rate for a greater or lesser quantity, or for a longer or a shorter time; and that all bonds, contracts and assurances whatsoever, made after the time aforesaid, for the payment of any principal money or rice, goods or commodities aforesaid, to be lent or covenanted to be performed, upon or for usury, whereupon or whereby there shall be reserved above the rate of ten pounds in the hundred for money as aforesaid, or above ten per cent. for rice or any other goods or commodities as aforesaid, shall be utterly void; and that all and every person and persons whatsoever, which after the time aforesaid, shall upon any contract to be made, take, exact, and receive, by ways or means of any corrupt bargain, loan, exchange, shift or interest of any wares, merchandizes or other thing or things whatsoever, or by any deceitful way or means, or by any covin, instrument or deceitful conveyance for the forbearance, or giving day of payment for one whole year, of and for their money, rice, goods and commodities aforesaid, above the sum of money or quantity of rice, or other goods or commodities as aforesaid, for the forbearance aforesaid, shall forfeit and lose for every such offence, the treble value of the money, rice, wares, merchandizes, or other thing so lent, bargained, sold, exchanged and shifted as aforesaid; the one half of the said fine and forfeiture to our Sovereign Lord King George, his heirs and successors, for the support of this Government, the other half to him or them that shall sue for the same, to be recovered in any Court of Record in this Settlement, by action of debt, bill, plaint, or information, wherein no essoign, protection, or wager of law, shall be allowed.

On pain of
losing treble
the amount.

Usurious bonds
may be given in
evidence.

II. And whereas, divers persons have of late taken advantage of the great necessities of the people, exacting five-and-twenty pounds interest for the loan of one hundred pounds for one year, and very often more, by stopping twenty-five pounds, and often more, out of the one hundred pounds, and taking the borrower's bond for one hundred pounds and payable in one year, and so concealing their evil and usurious practices, because at the common law the party to such usurious bonds or contracts, can be no evidence against them; for prevention thereof, *Be it enacted* by the authority aforesaid, That the borrower or party to such usurious bond or contract, shall be allowed to be good evidence against such usurer, unless he shall deny upon his oath that what such evidence hath sworn against him is true.

III. *And be it further enacted* by the authority aforesaid, That all and every scrivener and scriveners, broker and brokers, attorney and attorneys, solicitor and solicitors, driver and drivers of bargains for contracts, who shall after the end of this present session of this Assembly, take or receive, directly or indirectly, any sum or sums of money, or other reward or thing for brokerage, soliciting, driving or procuring the loan, or forbearing any sum or sums of money, or for any rice, wares, merchandizes, or other commodities whatsoever, over and above the rate or value of twenty shillings for the loan or forbearing of one hundred pounds of money, or for the like value in rice, wares, merchandizes, or other commodities whatsoever, and so rateably, or above twenty shillings for making or renewing of the bond or bill concerning the same, shall forfeit for every such offence, one hundred pounds currant money, and have imprisonment for six months; the one moiety of all which forfeitures to be to the King our Sovereign Lord, his heirs and successors, for the publick use of this Settlement, to be paid to the Publick Receiver, and the other moiety to him or them that will sue for the same, in any Court of Record within the same, by action of debt, suit, bill, plaint, or information, wherein no essoign, priviledge, injunction, stay of prosecution, or wager of law, shall be admitted or allowed of.

A. D. 1719.

Fee of Scriveners and Brokers not to exceed 20 shillings.

I do assent to this Law, this 13th day of February, 1719.

J. A. MOORE.

NOTE.—The publick are fast approaching to the opinion that all laws against usury interfere with the contracts of men, who know their own interest better than the legislators can tell them. These laws are inefficient and therefore inexpedient. See Act of September 15, 1721, and Act against Usury, 18th December, 1831.

AN Additional ACT to an Act for regulating Taverns and Punch Houses. No. 415.

(Ratified February 13, 1719-20. The Act referred to, is No. 303. The original of the present Act is not now to be found.)

AN Additional ACT to an Act entituled an Additional Act to an Act now of force, (No. 396) relating to the Fortifications in Charlestown. No. 416.

(Ratified February 13, 1719. See Act No. 396. See last volume.)

AN ACT FOR THE ENCOURAGEMENT OF PLANTING, AND RELIEF OF DEBTORS. No. 417.

WHEREAS, divers persons within this Settlement, not knowing how or on what fund or funds, the several sorts of bills of credit currant in the same were settled, nor foreseeing the great and sudden fall of their commodities, as rice from four pounds the hundred unto forty shillings, have unwarily engaged themselves, some by entering into bonds for currant money, at and after the rate of two hundred and fifty pounds currant money for new negroes, and other, for upwards of that sum; whereas indeed new negroes are worth, at the

Preamble.

A. D. 1719.

25 per cent interest has been paid.

highest price, not above thirty pounds, or thirty-five pounds proclamation money; others have bought goods at one thousand pounds and twelve hundred pounds per cent. on the prime cost in England, and contracted for currant moneys; others have taken up money at interest to pay their heavy taxes, and commonly paid twenty-five pounds per cent. interest, for the loan of such moneys, and have given their bonds for currant moneys, when rice was at four pounds per hundred; so that the commodities have fallen near eighty per cent. or seventy-five pounds per cent. at least, in one year; and all such persons have, or will be forced to pay cent. per cent. for the loan of such moneys: And whereas, some few persons have endeavoured to amass to themselves the greatest part of all the several sorts of the said bills into their own keeping; and thereby having obtained such bonds and contracts for currant moneys, do intend that such debtors shall in a little time pay such currant moneys (as they are so called by several Acts of this Settlement) in proclamation money, to the utter ruin of all such persons who have made or entered into such bonds, contracts or agreements, and tending to the depopulation of the whole Settlement, unless some remedy, according to equity, be provided against a calamity so general.

Articles and their prices that may be tendered in payment,

With interest at 10 per cent.

I. *Be it therefore enacted* by the Honorable James Moore, Esq. Governor, by and with the the advice and consent of the Council and the Representatives of the inhabitants of this Settlement in South Carolina, now assembled at Charlestown, and by the authority of the same, That every person or persons, inhabitants of the said settlement, who at the time of the passing of this Act is, or during the continuance of the same, shall be, indebted to any person or persons whatsoever, who are inhabitants of this settlement, in any sum or sums of money, or quantity or quantities of rice, skins, pitch, tar, rosin, turpentine, pork or beef, by bill, bond, book-debt, contract or agreement, it shall and may be lawful for such debtor or debtors respectively, to pay and discharge themselves from such debts, contracts and agreements, after the manner and by the several things following, being of the growth and production of this settlement, (that is to say) merchantable rice, in good and merchantable casks, at forty shillings per hundred, computing five score to the hundred, besides ten shillings for each cask; merchantable pitch, in good and merchantable barrels, at forty shillings per barrel; merchantable heavy drest deer skins, at eight shillings and nine pence per pound; if such debts, contracts and agreements be paid off and discharged at that rate, by the first day of January next after the passing of this Act, with interest at and after the rate of ten pounds per cent. per annum, in proportion for all such debts, whether upon judgment, bonds, or simple contracts; and if such bonds, judgments, contracts or agreements, shall not be discharged within the space of one year, after the rate and interest aforesaid, then all and every such debtor and debtors, over and besides such interest, shall pay his and their debt and debts, in merchantable rice, in good and merchantable casks, at thirty shillings per hundred, besides seven shillings and six pence for each cask, or in merchantable pitch, in good and merchantable barrels, at thirty shillings per barrel, or in merchantable heavy drest deer skins, at seven shillings and six pence per pound, until the end of the second year; and the creditor or creditors of such debtor or debtors, and their several respective factors or attorneys, are by this Act enjoined and required, to accept and take such commodities, or any of them, from their debtor or debtors, his or their factor or factors, attorney or attorneys, in full discharge of their debts, contracts, and agreements, when tendered and paid at Charlestown, or at such other place as shall be agreed on be-

between each respective creditor and debtor; provided nevertheless, that this Act shall not extend or be construed to alter the course of payment of such bonds, contracts or agreements, wherein sterling money, pieces of eight, or any other species of gold and silver, is particularly mentioned, or where any such bond, contract, promise or agreement, be for paying or delivery of any commodity in specie, but that the same shall be specifically performed; and provided that this Act shall not extend or be construed to hinder or debar any person from suing upon any such currant money, judgment, bond, contract or agreement, as soon as he or she shall see fit; so that for all such currant money debts contracted before the making of this Act, he shall recover no more than what is herein before directed.

A. D. 1719.

II. *And be it further enacted* by the authority aforesaid, That for all debts contracted for currant money before the making of this Act, and not yet due, the debtor shall pay the same in merchantable rice, in good and merchantable casks, at forty shillings per hundred, besides ten shillings for each cask, or in merchantable pitch, in good and merchantable barrels, at forty shillings per barrel, or in merchantable heavy drest deer skins, at eight shillings and nine pence per pound, according to the time the same shall become due, or sooner, if the debtor thinks fit so to do.

Valuation of articles in currant money.

III. *And be it further enacted* by the authority aforesaid, That if any debtor or debtors as aforesaid, his or their factor or factors, attorney or attorneys, shall after the passing of this Act, offer and make tender of all or any the aforesaid commodities at Charlestown (or at such other place as hath before been agreed on between each respective debtor and creditor) unto his or their creditor or creditors, or to his or their factor or factors, attorney or attorneys, for the discharging and paying any bonds, bills, debts, contracts or agreements, so allowed to be discharged by tender of the said commodities as aforesaid; and if the said creditor or creditors, his or their factor or factors, attorney or attorneys, shall refuse, neglect or delay, to receive all or any such of the commodities aforesaid, for the discharging and paying of any such debts or contracts as aforesaid, and the debtor who shall make such tender in all or any of the commodities aforesaid unto his creditor, having given him five days notice in writing, for him or his factor or attorney to go and receive the same, then and in such case, it shall and may be lawful to and for such debtor or debtors, to repair forthwith to any justice of the peace, and there before him, upon making oath of any or all the above mentioned commodities being already tendered to such creditor, factor or attorney, according to law, and the same being neglected, refused and delayed to be received by such creditor, factor or attorney, the said justice shall and is hereby impowered and required to appoint two sufficient and indifferent persons, being freeholders in Charlestown, or at the place where the goods were agreed by the persons concerned to be delivered, to view and look upon such commodity and commodities so tendered, for payment of any such debts or contracts as aforesaid, which said two persons shall take their several oaths, to be administered by the said justice, well and truly to try and examine into the matter aforesaid, and make report thereof to the justice aforesaid; and if upon viewing the same, it be found that the said commodity or commodities so tendered as aforesaid, is and are good and merchantable, and ready to be paid in the discharge of any such debt or contract as aforesaid, they shall and are hereby impowered to mark and weigh the said commodity or commodities, and signify the number and neat weight thereof to the said justice, which said commodity or commodities so tendered and refused to be received, being viewed, marked and weighed as aforesaid, shall be forever after esteemed, deemed and taken to be the

If creditor refuses the tender, the debtor may apply to a justice of the peace,

Who may appoint appraisers of the goods tendered,

And if approved, the goods so tendered shall be in discharge of the debt.

A. D. 1719.

Proceedings at
law in contra-
vention of this
Act to be void.

proper goods of such creditor, in absolute discharge of so much debt as the said goods amount to, at the several prices herein above mentioned.

IV. *And be it further enacted* by the authority aforesaid, That if any such debtor as aforesaid, shall and do prove by one or more sufficient witness or witnesses, that he hath given such his creditor as aforesaid, due notice in writing, after the manner aforesaid, of his intent to make a tender within a time to be therein exprest, of all or any of the goods herein above mentioned, for the discharge and payment of any debt due from him to such his creditor, and the said creditor shall between the several times appointed for giving such notice as aforesaid, and for the making the tender of such goods in the said notice so given in writing, arrest any such debtor, the said writs or summons against such debtor for that purpose, and all further process thereon, are hereby declared to be absolutely void and null, to all intents and purposes whatsoever.

I assent to this Act this 13th day of February, Anno Domini, 1719.

JA. MOORE.

NOTE.—Laws like this, enacted to remedy the consequences of folly and avaricious speculation, are of very questionable utility. People should be permitted to make their own contracts at their own risk. A legislature should enforce the performance of voluntary contracts when deliberately made, but ought not to make them. See the note of the Editor to No. 262.

No. 418. AN Additional ACT to an Act entituled an Act for raising the sum of £70,000 on lands and negroes, &c. and for discharging the publick debt.

(Ratified February 13, 1719-20. The original of this Act not now to be found.)

No. 419. AN ACT FOR THE ENLISTING SUCH TRUSTY SLAVES AS SHALL BE THOUGHT SERVICEABLE TO THIS SETTLEMENT IN TIME OF ALARMS, AND FOR ENCOURAGEMENT OF SAILORS TO SERVE THE SAME AGAINST OUR ENEMIES, AND FOR IMPOWERING THE COMMISSIONERS FOR STAMPING RICE ORDERS, TO PAY AWAY THE SAME, AND DECLARING HOW THE FORFEITURES SHALL BE RECOVERED OF PERSONS OFFENDING AGAINST THE ADDITIONAL ACT TO THE ACT COMMONLY CALLED THE TAX ACT, PASSED FEBRUARY 13TH, 1719-20.

Preamble.

WHEREAS, it is necessary for the safety of this Settlement, in case of an actual invasion of the same, by any enemy whatsoever, or certain advice of such an intended invasion, to have the assistance of our trusty male slaves from sixteen to sixty years of age, to serve us against any such enemy, and it being very reasonable that the said slaves should be rewarded for the good services they may do us, and that satisfaction may be made to the owners of such slaves, either on their death or maiming, or being taken by the enemy,

A list of colour-
ed persons to
be made out
and a selection
made.

I. *Be it enacted* by the Honourable James Moore, Esq. Governour, by and with the advice and consent of the Council and Representatives of the inhabitants of this Settlement in South Carolina, now assembled at Charlestown, and by the authority of the same, That forthwith after the passing of this Act, the several Captains, Lieutenants and Ensigns of the

A. D. 1719.

companies of the Militia throughout this Settlement, shall form and compleat a list of such negroes, mulattoes, mustees and Indian slaves, as they or any two of them shall judge serviceable for the purpose aforesaid, not exceeding the number of white men under the command of each respective Captain, nor one sixth part of any such like slaves in his division, excepting one slave, which shall be at the choice of his master, to attend upon him at alarms, armed with a gun and hatchet or cutlass, at his own proper cost and charge; which said officers, immediately after having finished their said lists, are to warn and summons the masters, mistresses, or overseers to whom the said slaves do belong, to appear before them at a certain day, to shew cause (if any) why their said slave or slaves so chosen, should not continue in the said list, of which reasons the said officers, or any two of them, are hereby made compleat judges, to allow or disapprove, as they in their discretion shall think fit.

II. *And be it further enacted* by the authority aforesaid, That every slave enlisted as aforesaid, upon an alarm shall repair to the colours of the respective company, in their several divisions throughout this Settlement, and on an actual invasion, shall be accounted and armed by the Captain in each division, out of the publick stores, with a good lance and hatchett or gun, with sufficient ammunition; and if armed as aforesaid by their respective masters, mistresses, or overseers, the same, if lost or damaged, to be paid for and allowed by the publick of this Settlement; and the said officers are hereby further directed and required, forthwith after their compleating the said list, to return the same under their hands, as a true, fair and impartial list of the said slaves, according to the best of their judgments, to the Honourable the Governour, and receive such instructions for the disposal and management of the said slaves, at times of an alarm and invasion, as his Honour shall prescribe, and as may best suit the publick safety intended thereby.

Slaves enlisted
to be armed
and accoutered.

The Governour
to give instructions.

III. *And be it further enacted* by the authority aforesaid, That if any master, mistress, manager or overseer of such slave or slaves so enlisted as aforesaid, do refuse or neglect to send his or her slave or slaves in time of alarms as aforesaid, to the common and usual place of rendezvouz of their respective divisions, that then and in such case, the master, mistress, manager or overseer so neglecting or refusing as aforesaid, shall for each neglect or refusal forfeit the sum of twenty pounds, or value thereof, to be distrained by one or more of the Sergeants of each respective company, by virtue of a warrant under the hand and seal of such Captain in whose division the said default is made, and the distress to be appraised by two or more of the neighboring freeholders; the forfeiture to be paid by the said Captain, one half to the said Sergeant or Sergeants, and the other half to the church-wardens, for the use of the poor of the parish where the said defaulter lives, and after the charge of distraining, the overplus (if any be) to be returned to the owners thereof.

Penalty on the
owners who
refuse to send
their slaves.

IV. *And be it further enacted* by the authority aforesaid, That if the officers aforesaid or any of them, shall neglect or refuse to execute and perform all and whatsoever is directed and enjoyned them by this Act, that then the officer or officers so neglecting or refusing as aforesaid, shall for each neglect or refusal, forfeit the sum of five pounds each, to be recovered as in this Act is before prescribed in the case of the master or mistresses their neglect or refusal to perform their part prescribed by this Act.

Penalty on offi-
cers neglecting
their duty.

V. *And be it further enacted* by the authority aforesaid, That if any slave shall in actual invasion kill or take one or more of our enemies, and

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Reward of £10 to a slave who shall take a captive, or kill an enemy

Slaves killed or wounded to be paid for out of the publick treasury.

Case of owners sending more than his required proportion of slaves.

Sailors maimed or disabled.

No. 418.

Holders of orders to be paid two thirds of their claim.

Officers, commissioners, &c. neglecting duty to be fined.

the same shall prove by any white person to be done by him, shall for his reward, at the charge of the publick, have ten pounds paid him by the Publick Receiver, for such his taking or killing every one of our enemies as aforesaid, besides what slaves or other plunder he shall take from the enemy.

VI. *And be it further enacted* by the authority aforesaid, That if any slave in actual service of this Settlement shall be taken, killed, or so wounded that he is disabled for service to his master or owner, then such slave so disabled, shall remain in the custody of the master or owner, who shall receive the damages awarded by the freeholders as is hereafter provided, and likewise every slave killed or taken, shall be satisfied for out of the publick treasury to the owner thereof, at such rate and price as three freeholders of the neighborhood (one of which to be in the commission of the peace) who well know the said slave, being nominated and appointed by the Honourable the Governour for the time being, shall award on their oaths, on which award so returned, the said Governour is hereby empowered to order the Publick Receiver to pay the same, who is hereby required to pay the same accordingly, and the said freeholders are hereby empowered to award such damages to the master, mistress, or owner, as the said slave shall receive by being so wounded. And in case any person in this settlement shall think fit to arm as this Act directs, any number of his or her slaves for the service of the said Settlement, more than the number that is to be enlisted by this law, and any of the said slaves shall in time of action, happen to be taken by the enemy, or killed or wounded, that then and in every such case, the owner of every such slave so taken, killed or maimed, shall be paid for the same, after the same manner as the other slaves are provided to be paid for, by virtue of this Act.

VII. And for encouragement of all sailors who shall serve this settlement against our enemies, *Be it enacted* by the authority aforesaid, That every sailor who shall be maimed in his body or limbs, and rendered thereby incapable of maintaining himself, such sailor shall be taken care of and maintained at the publick charge, by an ordinance of the General Assembly, as well for his healing and recovery as for his maintenance and support, if rendered incapable to maintain himself.

VIII. Whereas, by an Act of this Settlement, entituled an additional Act to an Act entituled an Act for the raising the sum of seventy thousand pounds, &c. passed February 13th, 1719-20, the commissioners therein appointed for stamping the rice orders, are directed to deliver the same to the Publick Receiver, in order to pay out those orders to the proper claimers of the same, which it is believed may prove inconvenient, for the remedy whereof, *Be it enacted* by the authority aforesaid, That the said commissioners as are appointed by that Act for stamping the said rice orders, be and are hereby empowered and required to deliver those orders to the proper claimers of the same, and that each proper claimer of the said two thousand pounds allotted for contingencies, shall have two thirds of his debt paid him by the commissioners last above said, or in proportion thereunto, out of the said two thousand pounds so allotted.

IX. And whereas, by the last above recited Act, every commissioner, inquisitor, or other officer or minister, who shall neglect his duty thereby required of him, or offend against the same, shall for every such offence forfeit the sum of one hundred pounds, to be recovered as is therein directed, which method of recovery of the said forfeiture it is believed may prove inconvenient, it is therefore hereby further enacted by the authority aforesaid, that the said forfeiture shall be recovered of and from every person offending in the premises, by an execution to be issued out

and granted by the chief justice of the Court of Common Pleas, against the goods and chattels of each person so offending, and the same to be disposed of as in the case of defaulters not paying in their taxes, is by the Act commonly called the tax Act, ratified February 20th, 1718-9, directed and appointed. A. D 1719.
How forfeitures
are to be recovered.

X. *And be it further enacted* by the authority aforesaid, That in such case where inquisitors of the several taxes are or shall be wanting in this Settlement, that then the Honourable the Governour for the time being, or any justice of the peace in the neighborhood where such inquisitors are wanting, shall be and are hereby impowered to nominate and appoint such proper persons to be inquisitors in the room of those who are wanting, which inquisitors so appointed shall have the same full powers to act as inquisitors to all intents and purposes, as if expressly mentioned in the above recited Act, commonly called the tax Act, and to be under the like penalties as in the same is directed. Inquisitors
wanting, to be
appointed.

I assent to this Law, this eleventh day of March, A. D. 1719.

JA. MOORE.

AN ACT for supporting the present Government under the administration of the Honourable James Moore, Esq. the present Governour of the same, or any succeeding Governour. No. 420.

(Ratified June 17, 1720. Published in vol. 1, p. 55.)

AN ACT for the better supporting the Publick Credit of this Settlement. No. 421.

(Ratified June 27, 1720. The original Act not now to be found.)

AN ORDINANCE of the General Assembly for settling the Jury Lists. No. 422.

(Passed June 11, 1720. As this consists only of lists of names, I have not thought it necessary to copy it.)

AN ACT for carrying on the building and for finishing and compleating the new Brick Church in Charlestown, and declaring it to be the Parish Church of St. Philip's Charlestown. No. 423.

(Passed December 9, 1720. See last volume.)

A. D. 1720.

No. 424. *AN ACT* FOR SUPPORTING AND PAYING OFF THE ARREARS NOW DUE TO THE SEVERAL GARRISONS, SCOUT-BOATS, LOOK-OUTS, JOHNSON'S FORT, CHARLESTOWN WATCH, FOR MAKING GOOD THE DEFICIENCY OF THE LAST YEAR'S TAX ACT, AND FOR DISCHARGING OF ALL THE PUBLIC ORDERS, ACCOUNTS, AND OTHER DEBTS NOW DUE, FOR WHICH NO SUFFICIENT PROVISION HAS BEEN HERETOFORE MADE.

Preamble.

WHEREAS, the funds appropriated for supporting and maintaining the several garrisons, scout-boats, &c. are deficient, and it being of the greatest consequence to the safety of this Settlement that the said garrisons, scout-boats, &c. should be continued and kept up; and whereas, by a wrong calculation in this last year's tax, there is a deficiency of two thousand sixty-one pounds six shillings and nine pence half penny; and whereas, the publick of this Settlement is at present indebted to several private persons by divers sorts of orders now extant, some drawn on the publick Receiver and others on commissioners appointed by several Acts of Assembly of this Settlement, by persons authorized so to do, and otherwise for supplies granted the publick on several occasions, by those whose accounts have been inspected and approved of by such as have been empowered and appointed to examine them; and whereas, for want of sufficient funds for the due payment thereof, it has been complained of by such as have large demands on the publick as aforesaid, as a very great hardship and injustice, that the said publick orders or other demands are of no use to them in any sort of payment, for want of their being either made current or sufficient funds for the discharging thereof, but lie as so much dead money by them, whereby, more especially in payment of the taxes, great disappointments and deficiencies may happen from some whose dependence is on what is due to them from the publick, with which they may be able to purchase wherewith to pay their said taxes as by law is directed; for the relief whereof,

A tax laid of
1,200,000 lbs. of
merchantable
Rice.

Distribution of
the tax.

I. *Be it enacted* by the Honourable James Moore, Esq. Governour, by and with the advice and consent of the Council and Representatives of the people of this Settlement in South Carolina, now assembled at Charlestown, and by the authority of the same, That a tax of one million and two hundred thousand pounds weight of good and merchantable Rice, for supporting and paying off the said garrisons, scout-boats, &c. for making good the deficiencies of this last year's Tax Act, and for paying off all the said orders, accounts, and other publick debts now due, and for which no sufficient provision has been heretofore made, shall be equally imposed and levied in manner following, that is to say, five-sixths parts thereof, being one million of pounds weight of rice, on the several inhabitants of this Settlement residing and living without the limits of Charlestown plot, to be proportioned in manner following, viz: upon every hundred acres of land the quantity of thirty-three pounds and one third of a pound weight of rice; and upon every negro, Indian, mustee or mulatto slave whatsoever, from the age of ten years to the age of sixty years inclusive, (of which the inquirors are herein appointed and empowered to be judges in case the owner or owners of any slaves refuse to give them upon oath a true and just account, according to the best of their knowledge and judgement, what slaves they may be in possession of that may be under the age of ten years or exceeding the age of sixty,) the quantity of seventy-five pounds weight of rice for each such slave; and the remaining sixth part on the real and

personal estates of the merchants and inhabitants of Charlestown within the limits of the town plot, over and besides their lands and slaves in the country, as heretofore hath been used, and according to the last tax. A. D. 1730.

II. *And be it further enacted* by the authority aforesaid, That the tax herein above mentioned, shall be paid on the second Tuesday in March, one thousand seven hundred twenty and three, to the same commissioners that receive the preceding year's tax. Tax to be paid the second Tuesday of March, 1723.

III. *And be it further enacted* by the authority aforesaid, That Samuel Eveleigh, Esq. Mr. William Gibbon and Mr. Robert Tradd, be and are hereby appointed commissioners to receive in all orders and other demands on the publick, approved of by any order of the House of Commons, or by any commissioners by them authorized to inspect and examine any accounts or other demands on the publick whatsoever, and are hereby fully authorized and appointed immediately to issue forth so many Rice Orders for payment thereof as the said tax shall amount unto, provided there be so much due from the publick as aforesaid, computing each single order for one hundred weight of Rice, at and after the rate of thirty shillings, and so in proportion; the form of which orders shall be in these words, viz:— This Order entitles the bearer to one hundred weight of well cleaned, merchantable Rice, to be paid by the commissioners that receive the tax, on the second Tuesday in March, one thousand seven hundred twenty and three. And the said commissioners, who shall issue such orders, shall be paid their reasonable expences and charges, and are hereby allowed to defray the same out of the Rice Orders they are so impowered to issue forth. Commissioners appointed.

IV. *And be it further enacted* by the authority aforesaid, That the said orders shall be current in all payments from man to man, and be deemed sufficient tender in law at the rate of thirty shillings for each hundred weight of Rice each order shall express, and to the publick Receiver for dutys, and to the commissioners that receive the tax in one thousand seven hundred twenty and three, and not otherwise; and that all persons who have not sufficient of said orders to pay in their taxes in one thousand seven hundred twenty and three, shall pay in their said taxes in Rice at thirty shillings per hundred, in specie, and in no other bills of credit whatsoever. The commissioners orders shall be current money.

V. *And be it further enacted* by the authority aforesaid, That if any person or persons shall counterfeit any of the said Rice Orders, or knowing any of them to be false or counterfeit shall offer the same in payment, then and in such case as well the counterfeiter as any one aiding or assisting him or them in disposing of the said Rice Orders, knowing them to be counterfeit as aforesaid, and being thereof duely convicted, shall be deemed guilty of felony and suffer as a felon, without benefit of clergy. Penalty on counterfeiting orders.

VI. *And be it further enacted*, That the commissioners and assessors of the preceding year's tax are appointed commissioners and assessors for this tax, and are invested with the same powers, and under the same penalties, and shall observe and cause to be observed all such rules for their directions as are prescribed by the Act for raising the sum of seventy thousand pounds on lands and negroes, &c., and in the Additional Act to that Act of the thirteenth of February, one thousand seven hundred and nineteen, so far forth as the same are not repugnant hereto; and all officers and persons interested or concerned in receiving or paying in their taxes, shall likewise observe and be subject thereto, under the penalties contained in the said Acts, to be recovered as therein is directed; and the same methods shall be used for getting in this tax as by the said aforementioned Acts are prescribed. Former Tax commissioners continued.

A. D. 1720.

Pay of the
Commissioners
and Assessors.

VII. *And be it further enacted* by the authority aforesaid, That the commissioners and assessors herein mentioned shall be allowed two pounds and a half per cent. out of all money they shall receive for taxes, and the several acting inquirors the sum of ten pounds each for their trouble, and that the publick Receiver for the time being shall pay the same out of the publick treasury, by virtue of an order for that purpose drawn on him by the commissioners of the tax.

Rice orders
paid in for taxes
to be cancelled.

VIII. *And be it further enacted*, That the said commissioners who are appointed to receive the tax in March, one thousand seven hundred twenty and three, shall daily cancel so many of the said Rice Orders as they receive in for taxes, keeping an exact account of the numbers and amount of them.

Land owners to
give an account
of their estate
on oath.

IX. *Whereas*, those persons that are possessed of large tracts of land at the ratification of this law may by fraudulent means and conveyances make over and convey for some time the major part of said tracts of land, in order to evade paying taxes for the same; *Be it therefore further enacted*, That whatsoever persons being possessed of lands at the ratification of this law, who shall have disposed of any part thereof before the tax herein ordered to be levied becomes payable, or refuses to render a just and true account to the inquirors of the same, or shall be suspected by the commissioners not to have rendered such just and faithful account of their lands, shall make the same oath before the commissioners appointed to receive the tax as is inserted in the Act for raising the sum of seventy thousand pounds on lands and negroes, &c., ratified February the twentieth, one thousand seven hundred and eighteen; and the said commissioners are hereby empowered and directed to administer the same, and he or they refusing to take such oath shall be doubly taxed for such lands not given account of to the inquirors, and which can any ways be made appear he or they were in possession of at the ratification of this Act.

How country
stores shall be
assessed.

X. *And be it further enacted* by the authority aforesaid, That the several stores in the country which vend goods shall be returned, assessed and taxed, after the same manner that Charlestown is, and the money arising thereby shall be kept in the hands of the commissioners until the next sessions of the General Assembly, to be applied by them to such uses of the Government as shall be then thought fit and convenient.

Inquisitors
appointed.

XI. *And be it further enacted* by the authority aforesaid, That for the several parishes of this Province the several persons hereinafter named, viz: for the parish of St. Philip's Charlestown, within the town plot, Capt. John Cawood and Mr. James De St. Julian, and for that part without the limits of the said town plot, upon the Neck in the said parish, Mr. Samuel West and Mr. Gilson Clapp; for Christ Church parish, Mr. George Haddrel, Mr. George Bennison and Mr. Richard Waters; for St. Thomas and St. Dennis, Mr. Michael Darby, Mr. Thomas Ashby and Mr. Cornelius Dupree; for the parish of St. Johns and English Santee, Capt. Charles Colleton, Mr. Rene Ravenel and Mr. Peter Guerard; for the parish of St. James Goose Creek, Mr. Peter Porcher, Mr. John Saunders and Mr. John Moore; for the parishes of St. Andrew and St. George, viz. for the south side of Ashley river, Mr. Robert Elliott and Mr. Peter Cattell; for the north side of Ashley river, Mr. Thomas Smith and Mr. Robert Dews; for the head of the said river, Mr. Edward Arden and Mr. William Sanders; and for James's Island, Mr. John Witter and Mr. Thomas Heyward; and for the several parishes in Colleton county, viz. for the parish of St. Paul, (that is to say) for John's Island, Capt. Thomas Ladson and Mr. Robert Godfrey; for Wadmalaw Island, Mr. Joseph Brian and Mr. John Jarvis; for Edisto Island, Mr. Thomas Grimball and

Mr. John Fripp; for Stono, and the branches thereunto belonging, Mr. Thomas Elliott, Jr. and Mr. Thomas Barnes; for the east side of Pon-pon, Capt. John Bee and Mr. Daniel Hendrick; for the parish of St. Bartholomew, viz. for the west side of South Edisto river, Mr. Henry Jackson and Joseph Peacom; for Combahee, Chehaw and Ashepoo, Mr. John Smiley and Mr. John Edwards; for the parish of St. James Santee, in Craven county, Peter Perdrieau, Jr., Mr. James Guery and Mr. Josiah Collins; for Winneau, Mr. William Furbush and Mr. John Hayes; for the parish of St. Helen's in Beauford county, Mr. William Hazard and Mr. Peter Parmenter—be and are hereby appointed enquirors or inquisitors, and are hereby impowered and required to take and make an account in writing, on or before the last Tuesday in January next, and on every last Tuesday in January yearly for two years after that time, of all and every the inhabitants of this Province, within their several parishes or precincts, upon their corporal oaths, to be taken on the holy evangelists of Almighty God, what quantity of lands any person or persons are any ways possessed of, interested in, or entitled unto; that is to say, the number of acres in each distinct tract, according to their plats and grants or title deeds, whereby they hold the same, either in the parish where they live, or as executors, administrators, guardians or attorneys to, or in trust for, any other person or persons whatsoever. And the inquisitors aforesaid are hereby also impowered and required to enquire of all and every the persons aforesaid what number of negro, mustee, mulatto and Indian slaves, men, women or children, they are any ways possessed of, interested in, or entitled unto, within the said several parishes wherein they respectively live, or elsewhere in any other part of the Province aforesaid, either in their own right, or as executors, administrators, guardians, trustees or attorneys for any other person or persons whatsoever; and to return their several accounts of the said lands, negro, mustee, mulatto and Indian slaves, as above mentioned, to the commissioners for receiving the tax on the last Tuesday in January yearly, during the time in this clause prescribed; any thing in this or any other Act or law to the contrary thereof in any wise notwithstanding.

A. D. 1720.

I assent to this law, this tenth day of December, 1720.

JA. MOORE,

AN ACT for the more speedy recovering, obtaining and getting in such Sums of Money as are now in arrear and unpaid of the Taxes appointed to be paid in April, 1720, and in the former Taxes.

No. 425.

(Passed Dec. 10, 1720. Expired. The original Act not now to be found.)

AN ACT TO PROHIBIT THE EXPORTATION OF PROVISIONS, AND ENCOURAGE THE IMPORTATION OF THE SAME.

No. 426.

WHEREAS, their Excellencies the Regency of Great Britain, in the absence of His Sacred Majesty, have been graciously pleased (upon hearing the grievances of the inhabitants of this Settlement) to appoint General Nicholson, Governour of this Settlement, with a considerable number of

Preamble.

A. D. 1720.

soldiers for the defence of the same, and having directed our agents in Great Britain to signify to the Government here, in a publick manner, to encourage the importation of provisions from the Northward Colonies, and prevent the exportation of the same from hence; and whereas, it may so happen that provisions may be wanting for the full subsistence of them,

I. *Be it therefore enacted*, by the Honourable James Moore, Esq. Governour, by and with the advice and consent of the Council and Representatives of the inhabitants, now met at Charlestown, and by the authority of the same, That from and after eight days next ensuing the ratification of this Act, no pork, flour, bread, corn or pease, shall be exported out of this Settlement, in any ship or vessel, to any other port or place whatsoever, except so much as shall be deemed necessary for the ship or vessel's use during the voyage, and also except such provisions as his Excellency Woodes Rogers, Esq. Governour of the Bahama Islands, shall think fit to send thither, for the subsistence of his Majesty's forces there.

II. *And be it enacted* by the authority aforesaid, That the publick Receiver shall, after the time herein before limited by this Act, tender and administer to every master of any ship or vessel, clearing out with him, (before he gives them the certificate to the powder receiver,) the following oath, viz: I, A B, do swear, that I have not directly or indirectly taken on board, or suffered to be taken on board, my ship or vessel, since my being in this Settlement, any pork, bread, flour, corn or pease, in order to carry it to any port or place, except so much as is absolutely necessary to subsist my ship's or vessel's crew during the voyage: so help me God. And in case it shall be discovered that the said master hath on board his ship or vessel any greater quantity of the above species of provisions than is before allowed, then, and in such case, the said goods shall be forfeited, and the said master shall forfeit over and besides, the sum of one hundred pounds, to be recovered as is hereafter directed.

III. And for the greater encouragement of the importation of corn, pease, flour and bread, or pork, from any of the Northward Colonies or elsewhere, *Be it enacted* by the authority aforesaid, That the duty of five per cent. on the prime cost of all flour, bread, corn, pease and pork, brought hither, within one year, from the Northward Colonies, shall, two months after the ratification of this Act, cease and determine, any thing in the Act for laying an imposition on negroes, liquors, &c. to the contrary thereof contained in any wise notwithstanding.

IV. *And be it further enacted* by the authority aforesaid, That all fines, forfeitures and penalties in this Act, shall be recovered as is directed in one Act of the General Assembly, entituled an Act to lay an imposition on negroes, liquors, and other goods and merchandize, &c. ratified in open Assembly the twentieth day of March, 1718-9.

V. *And be it further enacted* by the authority aforesaid, That so much of this Act as relates to the exportation of what is therein enumerated, shall remain and continue to be in force for and during the term and space of three months, and no longer.

I assent to this Law, this 17th day of December, 1720.

JA. MOORE.

A. D. 1720.

AN ACT FOR REVIVING AND CONTINUING THE SEVERAL ACTS THEREIN
MENTIONED, WHICH ARE EXPIRED OR NERR EXPIRING. No. 427.

WHEREAS, divers of our temporary laws, which by experience have been found useful and beneficial to the publick, are already expired or near expiring; therefore, for the reviving and continuing the same,

I. *Be it enacted* by the Honourable James Moore, Esq. Governour, by and with the advice and consent of the Council and Representatives of the Settlement in South Carolina, and by the authority of the same, That one Act entituled an Act for the encouragement of Trade and Navigation, by building and owning of ships and vessels by the inhabitants of this Province and others, and encouraging artificers to come into and build the same, ratified in open Assembly the twenty-eighth day of June, in the year of our Lord one thousand seven hundred and eleven, so far forth only as relates to paying seven shillings and six pence per ton out of the publick treasury unto the builder or owner of any ship or vessel in this Province, as by that Act directed, and also allowing drawback for the stores and necessaries applied and expended in and to the building of any such ship or vessel, and paying the powder for the same—and one other Act entituled an Act to settle a Guard in Johnson's Fort on Windmill Point, ratified in open Assembly the eighteenth day of December, in the year of our Lord one thousand seven hundred and thirteen—and one other Act entituled an Act for the mending and keeping in repair the Causway over the marsh of Combee river, in Colleton county, ratified in open Assembly the twenty-fifth day of February, in the year of our Lord one thousand seven hundred and fourteen-fifteen—and also one other Act entituled an Act to prohibit all indirect Trade and Commerce with our Indian Enemies living in and about Saint Augustine, Pansacola, Mobile, or the River Mississippi, and for laying a duty on all Indian Corn and Pease exported from this Province, when the same exceeds the prices therein mentioned, ratified in open Assembly the eleventh day of December, in the year of our Lord one thousand seven hundred and seventeen—are hereby declared revived, continued and enacted to be of full force, for and during and unto the full term and time of two years after the ratification of this Act, and from thence to the end of the first session of the next General Assembly, and no longer.

I assent to this Law, this 17th day of December, 1720.

JA. MOORE.

The Acts No. 305, T. A. 14 being No. 342, 349**, 392, continued for two years.

AN ACT FOR THE AMENDMENT OF THE LAW.

No. 428.

WHEREAS, by an Act of the General Assembly of this Settlement, entituled an Act for the more speedy Commencement and Prosecution of Suits in Law, in the Court of Common Pleas in this Province, ratified on the eighteenth day of December, in the year of our Lord one thousand seven hundred and thirteen, amongst other things it is enacted, that from

Preamble.

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and after the ratification of the said Act, in all actions of debt, upon a plain positive bond for money to be paid upon a certain day, or upon a *mutuatus* upon a positive note under the hand of the defendant, for payment of money on demand, or on a day certain, or actions for debt for arrears of rent, or in actions upon an *indebitatus Assumpsit* for goods or merchandizes *bona fide* sold, or actually delivered, or for work done in this Province, original process issuing out of the Court of Common Pleas in this Province, should be either by writ to attach the body of the defendant as aforesaid, or by summons, at the discretion and election of the plaintiff; the form of which summons is prescribed in the aforesaid Act, and the said summons being by the Marshal, or his lawful deputy (such deputy or deputies being first approved of and allowed by the Governour) served on the person of the defendant, or a true copy thereof, attested under the hand of the said marshal or his deputy, left at the mansion house or most-notorious dwelling place of such person, and such service being proved by the oath of the said marshal or his deputy, before the Chief Justice, should then effectually to all intents and purposes, be of sufficient force to make such persons so summoned a party in court, to the action or cause therein expressed, and then all processes founded thereon, to judgment, should be and proceed in the same manner and form as if the body of the defendant had been attached or arrested, and that execution on such judgment should not issue or be granted against the body or goods of the defendant, until three months next after such judgement obtained; and whereas, persons that have occasion to sue, for the most part take out a writ to attach the body of the defendant, in order to hold him to bail, and in case the marshal cannot find such defendant, then take out a summons to be served in such manner as by the aforesaid Act is appointed, whereby the plaintiff is greatly delayed, and the defendant put to a double charge for double process and double mileage;

Process in
actions of debt,
&c.

I. *Be it therefore enacted* by the Honourable James Moore, Esq. Governour, by and with the advice and consent of the Council and Representatives of the inhabitants of the Settlement in South Carolina, That from and immediately after the ratification of this Act, in all actions of debt, covenant, detinue and account, in all actions in the case, actions of trover and conversion, and in trespass, and in all other actions whatsoever, the original process issuing out of the Court of Common Pleas, shall be by writt, to attach the body of the defendant; and in case the defendant shall abscond or absent himself, so that he cannot be found, the said marshal or his lawful deputy or deputies shall serve the defendant therewith, by leaving a true copy of such writt at the dwelling-house or the most usual and notorious place of the residence or habitation of the defendant, and the manner of such service being returned on the back of the writt, and proved by the oath of the said marshal or his deputy before the Chief Justice, and the said Marshal or his deputy at the same time making oath, that he or they used their utmost endeavours to arrest and attach the body of the defendant, but could not effect the same, shall effectually to all intents and purposes be of sufficient force to make such persons so summoned a party in court, to the action or cause therein expressed; and all processes and proceedings founded thereon, shall be issued forth and proceeded on in the same manner and form as if the body of the defendant had been attached or arrested. Provided, that no execution on such judgment shall be granted or issued against the body or goods of the defendant until thirty days next after such judgment obtained; and that nothing in this Act contained, touching the making any person a party in court without arresting or attaching the body of the defendant, be con-

strued or extended to any person or persons gone off from this Settlement, and not being actually resident in the same at the time when the copy of such writt shall be left at the house of such person as aforesaid, nor to extend to any debt, demand or action whatsoever, but what is herein before mentioned.

A. D. 1720.

II. *And be it further enacted* by the authority aforesaid, That the aforesaid Act, entituled an Act for the more speedy Commencement and Prosecution of Suits in Law in the Court of Common Pleas in this Province, be repealed, and the said Act, and every matter, clause and thing therein contained, is hereby repealed, annulled and made void, to all intents and purposes whatsoever. Provided, nevertheless, that all summonses taken out before the ratification of this Act, and all proceedings had, or hereafter to be had thereupon, shall be continued and remain of the same force and effect as if this Act had never been made, any thing therein contained to the contrary thereof in any wise notwithstanding.

A former Act repealed.

III. *And whereas*, there is but one return day at each Court of Common Pleas, so that a writ of enquiry cannot be executed the same court, which proves to be a great delay and charge to the client; *Be it therefore enacted* by the authority aforesaid, That at the same court the interlocutory judgment is obtained, the jury serving at the same court shall be summoned immediate, to try the several damages upon the several writs of enquiry intended to be executed that court, and give in their verdict thereon, any law, usage or custom to the contrary notwithstanding; provided, nevertheless, that execution be stayed for thirty days exclusive, next after the execution of such writs of enquiry.

Jury to enquire of damages.

IV. *And whereas*, great inconveniencies daily arise, and suits are much delayed, by the Marshal's neglect in not returning the process to him directed within a convenient time after service thereof; *Be it therefore enacted* by the authority aforesaid, That the Marshal of the Court of Common Pleas in this Settlement, for the time being, shall at all times after the ratification of this Act, return all writs and process to him directed, into the office kept by the clerk or clerks of the said court, for receiving such process, within two days after the service of the same, if the defendant or party on whom the process shall be served, shall live within six miles of Charlestown; and within six days after the service of such process, if the defendant or party on whom the same shall be served shall live above six miles from Charlestown aforesaid; and in case the said Marshal for the time being, shall neglect to return the writs and process aforesaid, in manner and form as is herein before directed, that then he shall be amerced by the Chief Justice of the said Court for the time being, at his discretion, according to the nature of the offence.

Duty of the Marshal.

V. *And be it further enacted*, That the said Marshal for the time being, at the same time when he shall return *Cepi Corpus* on any writ to him directed, shall endorse on the back of such writ, the name or names of such person or persons who shall become bail for the defendant, if the said defendant shall be let to bail, on pain of being amerced as aforesaid; and that all amerciements on the Marshal shall be recovered in such manner as the Court shall think fit, and be paid to the church-wardens of St. Philip's, Charlestown, for the use of the poor of the said parish.

Return of Writs.

I assent to this law, this 17th day of December, 1720.

JAMES MOORE.

A. D. 1721.

The preceding Act was confirmed by order of the Queen's most excellent Majesty, as Guardian of the Kingdom of Great Britain, and his Majesty's Lieutenant within the same, as appears by the following instrument, containing the order of her Majesty in Council upon the same, as follows.

At the Court of Kensington, the 21st day of July, 1732.

PRESENT

The QUEEN's most excellent Majesty, Guardian of the Kingdom of Great Britain, and his Majesty's Lieutenant within the same.

Lord Chancellor,	Earl Burlington,
Lord President,	Viscount Falmouth,
Lord Chamberlain,	Lord Raymond,
Duke of Kent,	Mr. Chancellor of the Exchequer,
Duke of Newcastle,	Sir Charles Wills.

Ratification of
Act No. 428.

WHEREAS, the Lords of the Committee of his Majesty's most honourable Privy Council, have by their report this day read to her Majesty at this board, humbly offered to her Majesty an Act passed in the Province of South Carolina, on the 17th day of December, 1720, entituled an Act for the Amendment of the Law, with their opinion that the same was proper to be confirmed; Her Majesty was thereupon pleased, with the advice of his Majesty's Privy Council, to declare her approbation of the said Act, and pursuant to her Majesty's pleasure thereupon expressed, the said Act is hereby confirmed, finally enacted and ratified accordingly, whereof the Governour or Commander-in-Chief of his Majesty's said Province of South Carolina, for the time being, and all others whom it may concern, are to take notice, and govern themselves accordingly.

JA. VERNON.

No. 429. An Additional Act to an Act entituled An Additional Act to an Act for raising the Sum of Seventy Thousand Pounds on Lands and Negroes, and for discharging the Publick Debts.

(Passed February 17, 1720-1. The Acts referred to are No. 409 and No. 398. The original of this Act is not now to be found.)

No. 430. *AN ACT* FOR REVIVING AND CONTINUING THE SEVERAL ACTS THEREIN MENTIONED, WHICH ARE EXPIRED OR NEAR EXPIRING.

WHEREAS, divers of our temporary laws, which by experience have been found useful and beneficial to the publick of this Settlement, are some of them already expired and others very near expiring; therefore, for the reviving and continuing of the same,

I. *Be it enacted* by the Honourable James Moore, Esq. Governour, by and with the advice and consent of the Council and Representatives of the freemen, now met at Charlestown in General Assembly, for the said Settlement, and by the authority of the same, That one Act of Assembly of this Settlement, entituled an Act for preventing Runaways deserting

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this Government, ratified in open Assembly the fourth day of March, in the year of our Lord one thousand and seven hundred—and one other Act entituled an Act for the encouragement of killing and destroying Beasts of Prey, ratified in open Assembly the eighth day of May, in the year of our Lord one thousand seven hundred and three—and one other Act entituled an Act to prevent the sale of Leather not sufficiently tanned, and the regulating the prices of Shoes, ratified in open Assembly the seventeenth day of September, in the year of our Lord one thousand seven hundred and three, (the fourth and fifth clauses or paragraphs of the said last mentioned Act, which relate to the prices of Shoes, only excepted)—and one other Act entituled an Act for raising a publick Store of Powder for the defence of this Province, ratified in open Assembly the twelfth day of July, in the year of our Lord one thousand seven hundred and seven—and one other Act entituled an Act to appoint and erect a Market in Charlestown, for the publick sale of Provisions, and against Regrators, Forestallers and Ingrossers, ratified in open Assembly the eighth day of April, in the year of our Lord one thousand seven hundred and ten—and one other Act entituled an Act for the better settling and regulating the Militia, ratified in open Assembly the thirtieth day of June, in the year of our Lord one thousand seven hundred and sixteen—and one other Act entituled an Act for the better ordering and settling the Pilotage, ratified in open Assembly the thirtieth day of December, in the year of our Lord one thousand seven hundred and sixteen—and all and every the said several Acts (except those two clauses or paragraphs only which relate to the prices of Shoes, as aforesaid) are hereby declared revived, continued and enacted to be of full force, for and during and unto the full term and time of three months after the passing of this Act, and from thence to the end of the first session of the next General Assembly after, and no longer.

II. *And be it further enacted* by the authority aforesaid, That one Act of Assembly of this settlement, entituled an Act to continue the Garrison at Savano town, and the two Scout boats appointed to be placed to the southward, ratified in open Assembly the fifth day of July, in the year of our Lord one thousand seven hundred and eighteen, so far forth only as the same relates to or any ways concerns the said garrisons and two scout boats, is hereby declared revived and continued, and enacted to be of full force, for and during and unto the full term and time of three months, after the passing of this Act, and from thence to the end of the first session of the next General Assembly after, and no longer.

III. *And be it further enacted* by the authority aforesaid, That one Act of Assembly of this Settlement, entituled an Act for the keeping and maintaining a Watch and good orders in Charlestown, passed in open Assembly the twelfth day of February in the year of our Lord one thousand seven hundred and nineteen, is hereby declared revived, continued, and enacted to be of full force, for and during and unto the full term and time of three months after the passing of this Act, and from thence to the end of the first session of the next General Assembly after, and no longer. And the assessors and commissioners for receiving the next tax are hereby empowered to rate the inhabitants of the said town their due proportion, towards defraying the charges of the said Watch, according as that Act directs.

I assent to this Law, February 17, 1720-1.

JA. MOORE.

The Acts No. 188*, 294, 341, 371, 399 and 409, continued for three months.

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No. 431. AN ACT for Reviving and Continuing the several Acts within mentioned, which are expired or near expiring.

(Ratified April 28, 1721. By this Act, Nos. 118, 211, 294, 361, 370, 399, 409, are continued for three months; except a clause in 395, which is repealed by section 3 of 413. The original of this Act is not now to be found.)

No. 432. AN ACT to confirm and establish two Bridges, now standing, over the head of Ashley River, and for building another Bridge from the South side of the said river to Dorchester town.

(Ratified July 23, 1721. See last volume.)

No. 433. AN ACT FOR PREVENTING THE DESERTION OF INSOLVENT DEBTORS, AND FOR THE BETTER SETTLING THE FRONTIERS OF THIS PROVINCE.

Passed at a General Assembly begun to be holden at Charlestown, the twenty-seventh day of July, in the seventh year of the reign of our Sovereign Lord George, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, &c. Annoque Domini 1721, and continued by divers prorogations and adjournments to the 23d day of May, in the year of our Lord one thousand seven hundred and twenty-two, being the third session of the said General Assembly.

Preamble. WHEREAS, notwithstanding the precautions taken for preventing the large credit given to the poorer sort of people, and more especially to loose, idle and disorderly persons, who, continually running in debt much beyond what they are able to pay, daily desert the Province—which, if not timely prevented, will expose this frontier colony to the incursion of the Indians, insurrection of Negroes, and make the same an easy prey to the invasion of any foreign enemy—We therefore humbly pray your most Sacred Majesty that it may be enacted,

I. *And be it enacted* by his Excellency Francis Nicholson, Esq., Governour, by and with the advice and consent of his Majesty's honourable Council and the Assembly of this Province, and by the authority of the same, That no Mean Process, Writt or Execution, whatsoever, (unless it be for a matter criminal,) shall run or be executed against any persons living or residing beyond the three Runs, being about twenty miles on this side Fort Moore, for any debt, duties, contract or sum of money whatsoever, not exceeding the sum of thirty pounds sterling, or the value thereof in bills of credit of this Province, while such person be actually resident beyond the said three Runs; and if any such action shall be brought against any person whilst he is actually resident beyond the said three Runs, for any debt, duty, contract or sum of money whatsoever, under the value of thirty pounds sterling, and the real debt shall be *bona fide* under that value, the defendant shall have liberty to plead the general issue, if he

No civil writ to issue for less than £30 sterling, beyond the three Runs.

thinks fit, and give this Act and the special matter in evidence; or if the plaintiff shall recover less than the said sum or value of thirty pounds sterling, the same shall be a sufficient reason for the defendant to move in arrest of judgment, and the judges of any court in this Province, where the said action shall be pending, shall allow the same to be a sufficient reason to arrest the said judgment, and set the defendant at liberty forthwith, so that the same nevertheless shall not extend to an absolute release of the same debt; and the plaintiff shall pay all the defendant's costs of suit, and the judges of any court shall award execution for such costs, as if judgment had been given for the defendant; and the Marshal executing any civil process against any such debtor, whilst living and actually residing beyond the said three Runs, shall forthwith refund all his fees and mileage to such debtor, by order of the said justices, under the pain of forty pounds current money, to be set on him by the said justices, to the use of his Majesty for the support of this Government.

A. D. 1721.

II. *And be it further enacted* by the authority aforesaid, That the justices of the court where such suit shall be pending shall judge of the value of the said thirty pounds sterling, according to the usual course of exchange then given.

Value of the pound sterling.

III. *And be it further enacted* by the authority aforesaid, That if any person, with an intent to evade this Act, shall cause any person to be apprehended by warrant on a suggestion of any criminal matter, in order to bring such person within the reach of a civil process, and to subject him to an arrest for any debt, duty, contract or sum of money whatsoever, the Justices of the court from whence such civil process issued, shall examine the said matter *ore tenus*, either in court or without, and without form of tryal, and if they shall discover such deceit they shall forthwith set the defendant at liberty; and if any person living and residing beyond the said three Runs shall be apprehended and brought down into the Settlement by virtue of any warrant for any criminal matter or supposed criminal matter, not extending to life or limb, he shall be exempt from all process and arrests as to any debt under the value of thirty pounds sterling during his being under actual prosecution for such criminal matter, and until he shall be discharged by due course of law from such criminal matter, and by the space of one month then next after.

Case where criminal process is fraudulently sued out.

IV. *And be it further enacted* by the authority aforesaid, That the commissioners of Indian affairs shall, as soon as may be, cause to be laid out and plotted a Town and Common, at the charge of the publick, in the most convenient place at or near the said Savannah garrison, to be distributed into lots to such persons who shall be minded to settle therein, and lands for the inhabitants to be purchased by the publick for that purpose, and that the said commissioners or surveyors do return such platt into the General Assembly as soon as they have finished the same. And the said commissioners for Indian affairs, or surveyors, for their better direction in the premises, are hereby required, as soon as may be, to platt out a Town to consist of three hundred half acre lots, but that all and every the said lots to be two hundred yards distant from the fort; and one thousand acres for a Common; and also with all convenient speed to set out and platt one hundred acres of land to each town lot.

A Town to be laid out by the commissioners for Indian affairs.

V. *And whereas*, for the better strengthening the Savannah Town, designed as a frontier to this Province, it will be necessary to hinder the making of settlements on the western side of the Savannah river, for the present, whereby the inhabitants of such plantations would be prevented from readily joining their forces for their mutual defence, if attacked by an Indian enemy; *Be it therefore enacted* by the authority

No person to raise cattle on the other side of the Savannah River.

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aforesaid, That no person whatsoever shall raise or keep any stock of cattle, horses or hoggs, on the other side of the said Savannah river, the pasture now kept for the use of the said Garrison only excepted, under the penalty of forfeiting all such stock of cattle, horses and hoggs, and every of them, which shall be found on the other side the said Savannah river, to be recovered by information in any court of record in this Province, one half to his Majesty for the support of this Government, and the other half to the informer that will sue for the same, wherein no essoign, protection or wager of law shall be allowed or admitted of; and all persons living or settling beyond the said Savannah river, shall be excluded the benefit of this Act.

Good fences to be kept up.

VI. *And whereas*, it will be necessary that the lands planted at the Savannah town be fenced in, that small stocks may be raised to support the inhabitants thereof and their families; *Be it therefore enacted* by the authority aforesaid, That all persons residing there and planting any ground, shall have and keep a good, strong and sufficient fence, six foot high, about all sorts of provisions belonging to the publick or otherwise, and shall from time to time maintain and keep the same in repair, and be lyable to all such fines, penalties and forfeitures, and to be recovered after the same manner, as is directed by an Act entituled an Act for making sufficient Fences and keeping the same in repair, ratified in open Assembly the 20th day of June, 1694.

Benefit of this Act for 7 years to person residing beyond the 3 Runs.

VII. *And be it further enacted* by the authority aforesaid, That all and every person whatsoever living and residing beyond the said three Runs, on this side the said Savannah river, shall have the benefit of this Act for the space of seven years next after his first residing beyond the said three Runs, so that the said debt at his first residing did not exceed the said sum of thirty pounds sterling.

To muster only under their own officers,

VIII. *And be it further enacted* by the authority aforesaid, That all persons residing within the limits prescribed by this Law, shall muster only under their respective officers commissioned for that purpose, any thing or matter contained in any other law to the contrary in any wise notwithstanding.

And be exempt from taxes.

IX. *And be it further enacted* by the authority aforesaid, That all persons living and actually residing beyond the said three Runs, on this side the said Savannah river, shall be exempted from all taxes and assessments for the lands, goods and effects which they are possessed of within the said limits, and that the cattle and produce of this country belonging to such persons who shall reside within the said limits, which shall be coming or brought from thence to market to be sold, shall be exempted from all attachments and other process or executions, if the debt at his first residing be under the said sum of thirty pounds sterling.

* * * * *

Ratified July 27, 1721. Only a part of this Act can now be found. Neither this or the preceding Act are noticed by Trott or Grimke.

A. D. 1721.

No. 434.

AN ACT FOR A MOST JOYFUL AND JUST RECOGNITION OF THE IMMEDIATE, LAWFUL AND UNDOUBTED SUCCESSION OF HIS MOST SACRED MAJESTY KING GEORGE, TO THE CROWN OF GREAT BRITAIN, FRANCE AND IRELAND, OF THE PROVINCE OF SOUTH CAROLINA, AND ALL HIS MAJESTY'S DOMINIONS, &c.

Preamble

WHEREAS, your most Sacred Majesty hath been graciously pleased, at the humble desire and request of your faithful subjects of this Province of South Carolina, to take the same under your Majesty's most gracious and immediate government and protection, and have also been graciously pleased to commissionate under the great seal of Great Britain, Francis Nicholson, Esq. your Majesty's Captain General and Governour in Chief, in and over the same, with full powers to call a General Assembly, &c. to the great satisfaction and joy of your said faithful subjects, who after your Majesty's said Governour's arrival in this Province, and your Majesty's commission to him published, did with one voice and heart acknowledge your Majesty's most lawful and undoubted right to this your Province of South Carolina, by our general and unspeakable rejoycing, and by loyal and affectionate addresses by persons of all degrees and qualities whatsoever, and by all other possible means have endeavoured to demonstrate our inward love, zeal and affection to your most sacred Majesty; yet as we cannot too often or enough express our thanks and gratitude for the same, we humbly pray that it may be enacted and declared by your most sacred Majesty, by and with the consent of the Governour, Council and Assembly, now met at Charlestown for the Province of South Carolina,

I. *And be it enacted and declared* by the authority of the same, That we do recognize and acknowledge that your most sacred Majesty King GEORGE, was, is and ought to be of right, and by the laws of Great Britain is Sovereign Lord and King of Great Britain, France and Ireland, and all other the dominions and countries thereunto belonging, as well *de jure*, that is of right, as *de facto*, that is in possession and exercise of the Government, in and to whose princely person the royal state, crown and dignity of the said Realms and dominions, with all honours, stiles, titles, regalities, prerogatives, powers, jurisdictions and authorities, to the same belonging and appertaining, are most fully, rightfully and entirely invested and incorporated, united and annexed.

His Majesty King George acknowledged and declared.

JAMES MOORE, *Speaker*.

CHARLESTOWN, August 18, 1721.

Assented to by FRANCIS NICHOLSON, *Governour*.

AN ACT FOR ESTABLISHING THE TRANQUILLITY OF HIS MAJESTY'S PROVINCE OF SOUTH CAROLINA.

No. 435.

WHEREAS, his most Sacred Majesty King George, did upon the humble application of the inhabitants of this Province for that purpose, graciously take the government thereof to himself, by sending his Excellency Francis Nicholson, Esq. his provisional Governour, with full powers, instructions and authorities, to establish the peace and tranquillity thereof,

Preamble.

A. D. 1721.

as by his Excellency's commission under the great seal of Great Britain, bearing date the twenty-sixth of September, in the year of our Lord one thousand seven hundred and twenty, and in the seventh year of his Majesty's reign, may more at large appear; and whereas, actions and suits at law may be commenced and carried on upon account of the late administration of Colonel James Moore, by particular persons, to the creating of misunderstanding and animosities between his Majesty's good subjects in this Province, contrary to his Majesty's royal intention, who has upon all occasions recommended love and unity amongst his loyal subjects: May it therefore please your most sacred Majesty, that it may be enacted,

All personal actions commenced under the administration of the Hon. J. Moore, declared void till his Majesty's pleasure is known.

I. *And be it enacted* by his Excellency Francis Nicholson, Esq. Governour, by and with the advice and consent of his Majesty's honourable Council, and the Assembly of this Province, and by the authority of the same, That all personal actions, suits, molestations and prosecutions whatsoever, now brought or commenced, or that may hereafter be brought and commenced, against any person or persons whatsoever, for or by reason of any matter or thing, whether civil, ecclesiastical or military, commanded, appointed, happened or done, by or in pursuance of the said late administration of Colonel James Moore, or in pursuance and according to the directions and tenor of the several Acts or Ordinances passed in the said late administration, or by virtue of any other Act or Acts of the Assembly before that time made, be, and are hereby discharged and made void, as if no such actions had ever been brought; and that all and every person and persons whatsoever, that shall hereafter commence or prosecute any action or actions against any person or persons whatsoever, on account of the premisses, are hereby barred and excluded, until his Majesty's royal will and pleasure shall be fully known thereupon; and also that every person or persons so sued or molested may plead the general issue, and give this Act, or the aforesaid Acts or Ordinances, or the special matter, in evidence; and if the plaintiff should become nonsuit, or forbear further prosecution, or suffer discontinuance, or if a verdict pass against him or them, the defendant shall recover his double costs, for which he shall have the like remedy as in case where costs are given to the defendant by law,

JA. MOORE, *Speaker.*

CHARLESTOWN, August 18, 1721.

Assented to by FR. NICHOLSON, *Governour.*

No. 436. **AN ACT** FOR CONFIRMING AND CONTINUING THE SEVERAL ACTS THEREIN MENTIONED, AND FOR COLLECTING THE ARREARS OF TAXES, AND CONFIRMING JUDICIAL PROCEEDINGS IN THE COURTS OF LAW.

(The original of this Act is not now to be found. What follows is copied from Trótt's Laws of South Carolina, p. 351.)

Parag. I. and II. Obsolete.

III. *And be it further enacted* by the authority aforesaid, That all proceedings and executions heretofore issued for levying the said taxes, and also all other judicial proceedings whatsoever, begun, continued or ended, in any of the Courts of Judicature in this Province, under the

late administration of the said Honourable James Moore, Esq. be and are hereby confirmed until his Majesty's pleasure be fully known in relation thereto.

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IV. *Provided nevertheless*, That nothing in this Act shall debar or be construed to debar or hinder any person or persons from having or suing for relief, in the Court of Chancery, in matters wherein the parties could not be retrievable at common law, or from suing or prosecuting any writ or writs of error, on any judgment or judgments had or obtained in any of the said Courts (if any such there be) or be foreclosed for want of suing the said writs of error, in point of time, during the said late administration.

JA. MOORE, SPEAKER.

Charlestown, August 18, 1721.

Assented to by FR. NICHOLSON, Governour.

At a General Assembly begun at Charlestown the twenty-seventh day of July, in the seventh year of the reign of our Sovereign Lord George, of Great Britain, France and Ireland, King, defender of the faith, &c. A. D. one thousand seven hundred twenty-and-one.

AN ORDINANCE PASSED BY THE GENERAL ASSEMBLY, AUGUST THE No. 437.
TWENTY-FOURTH DAY, ONE THOUSAND SEVEN HUNDRED TWENTY
AND ONE.

IT is hereby ordered by the present General Assembly, That the several persons whose names are mentioned in the lists hereunto annexed, be and are hereby appointed to serve as Jury-Men for special Courts and Sessions, pursuant to several Acts in that case made and provided.

JA. MOORE, Speaker.

CHARLESTOWN, August 25, 1721.

Assented to by FR. NICHOLSON, Governour.

At a General Assembly begun at Charlestown, the twenty-seventh day of July, in the seventh year of the reign of our Sovereign Lord George, of Great Britain, France and Ireland, King, defender of the faith, &c. Anno Domini, one thousand seven hundred twenty and one.

AN ACT FOR PREVENTING, AS MUCH AS MAY BE, THE SPREADING OF No. 438.
CONTAGIOUS DISTEMPERS.

WHEREAS, great numbers of the inhabitants of this Province have been destroyed by malignant and contagious distempers and diseases, brought thereinto from sundry parts abroad, to prevent which for the time to come, we humbly pray his most sacred majestie, that it may be enacted,

I. *And be it enacted* by his Excellency Francis Nicholson, Esq. Governour, by and with the advice and consent of his Majestie's honourable

A. D. 1721.

That the Pilot going on board any vessel, shall enquire if there is any contagious distemper on board,

Council and Assembly of this Province, and by the authority of the same, That the pilots belonging to this Province, do upon their respective entering on board any ship, sloop or other vessel, designed for this Province, diligently enquire of every master or commander of the same, whether any plague, malignant fever, small pox, or other contagious distempers, be on board his said vessel, and every master or commander is hereby obliged to give without equivocation or reserve, true and faithful answers to all enquiries of the said pilots concerning the same; and the said pilots is hereby required and commanded to acquaint the master or commander of every vessel, that he shall not himself nor suffer any of his men or passengers to come on shore from on board his said vessel, neither shall the pilot bring the master, men, or any of the passengers in his boat on shore from on board of any such vessel, until the said vessel be first admitted by the Governour to enter and trade, but shall (wind and tide permitting) bring the said ship or vessel above Johnson's Fort, so that she may be under the command of the guns of the said Fort.

And shall order the said vessel to an anchor within the command of the guns at Johnson's Fort.

Penalty on the Pilot neglecting his duty.

II. *And be it further enacted* by the authority aforesaid, That the said pilot or pilots having duly made the enquiries aforesaid, shall order the said vessel brought into the said port to come to an anchor or lye by at a convenient place within the command of the guns of Johnson's fort as aforesaid, and shall direct the said master or commander of the said vessel to make immediate application to the commander of the said fort, as hereinafter is directed; and in case the pilot shall through neglect, or for any other cause whatsoever, not punctually observe to perform his duty herein specified, for every such neglect shall forfeit twenty pounds current money of this Province, to be paid to the publick Receiver for the time being, for the use of the publick, who is hereby authorized to sue for and recover the same, by bill, plaint or information, in any court of record in this Province, wherein no essoign, privilege, protection or wager of law, shall be allowed.

Questions to be answered on oath.

III. *And be it further enacted* by the authority aforesaid, That if the said master of the said ship or vessel so brought to an anchor or lying by as aforesaid, is incapable to repair to the said fort, to make oath to the commander of the said fort, with respect to the health of the said vessel's crew, and all persons, passengers and negroes whatsoever, on board the same, that then and in such case the doctor, if any do belong to the said vessel, with another officer, or an officer and common sailor where there is no doctor, shall apply themselves to the commanding officer of the said fort, and answer to the following questions on oath, that is to say, Whether the place from whence the said vessel came last was healthy? Whether all the persons, passengers and negroes, imported in the said vessel, are in health, and free from small-pox, plague, fevers and all other malignant distempers? Whether any died in the voyage? and if so, What distempers they died of, and how long since? Which oaths the commanding officer of the said fort is hereby required and authorized to administer accordingly.

When the vessel shall be permitted to come before Charlestown.

IV. *And be it further enacted* by the authority aforesaid, That if the commanding officer of Johnson's fort be satisfied that the said ship's crew, passengers and negroes, be in good state of health, then he shall permit and suffer the said vessel to come up before Charlestown; and being there arrived, the master or commander shall forthwith come on shore at Charlestown, and immediately attend his Excellency Francis Nicholson, Esq. Governour of this Province, or the Governour for the time being, or in his absence the Commander-in-Chief residing in Charlestown, there by him to be examined on oath, and to answer all such questions as his Excellency the Governour for the time being, or the said commanding officer

shall think fit to propose, relating to the matters aforesaid; which answers on oath as aforesaid, being satisfactory to his said Excellency the Governour for the time being, or the commanding officer in chief as aforesaid, then the said ship or vessel shall be permitted to enter and trade according to law.

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V. *And be it further enacted* by the authority aforesaid, That if it appears to the commanding officer in Johnson's fort, or to the Governour or commanding officer in Charlestown for the time being, on examination had on oath, as hereby prescribed, that any vessel is infected with any malignant distemper, or in case the persons or any of them obliged to declare on oath as aforesaid, shall refuse to swear as by this law is directed, then and in such case, the said ship or vessel shall immediately be compelled to remove, and come to anchor at such a convenient place as the said Governour or commanding officer of Charlestown, or the commanding officer of Johnson's fort, shall appoint, there to lie quarantine so long as his Excellency the Governour or the commanding officer shall think fit, and further receive such directions from the same as he shall think necessary from time to time, for the preservation of the health of this Province; and in case the said commanding officer of Johnson's fort do not diligently and truly exercise and perform the trusts and powers hereby enjoyned, he shall for every such neglect forfeit the sum of one hundred pounds current money of this Province, and be discarded from his employment during his Excellency's pleasure, and all such fines shall be recovered as aforesaid.

Vessel to be put in quarantine in case of any infectious disease being on board.

VI. *And be it further enacted* by the authority aforesaid, That in case a vessel ordered to perform quarantine as aforesaid, shall be in want of provisions, then it shall and may be lawful to and for the merchant to whom such vessel is consigned, or any other person as the said master shall request, to supply the same, but in such manner, and with such care and caution, as shall be directed by the Governour or commander-in-chief for the time being.

Vessels at quarantine to be supplied with provisions.

VII. *And be it further enacted* by the authority aforesaid, That no person, boat or canoe, presume to go on board any vessel under such quarantine, or come on shore from the same, without leave first had from the Governour or commanding officer for that purpose, upon the penalty of forfeiting the sum of one hundred pounds, current money, together with such boat or canoe, and all the goods that shall be found therein, to the publick, to be recovered as aforesaid, and the person that shall be in the same boat or canoe to perform quarantine.

No person to go on board any vessel at quarantine without the Governor's permission.

VIII. And whereas, vessels sometimes come into this port without pilots, *Be it further enacted* by the authority aforesaid, That the commanding officer of Johnson's fort do not permit any such vessel whatsoever to pass the same, until examined upon oath as before directed; and that the master, officers and men unto her belonging, be under the same restrictions, fines and forfeitures, as heretofore expressed on vessels entering with pilots.

Vessels without pilots, to be examined.

IX. *And be it further enacted* by the authority aforesaid, That in case the master, doctor, or any of the officers or common sailors of the said vessel, shall have given a false account of the state of health of the said vessel or passengers, &c. as before recited, or shall offend in any of the premisses, they and every of them shall be liable to the following forfeitures and penalties, that is to say: the master, the sum of five hundred pounds current money of this Province, and twelve months imprisonment without bail or mainprize; the mate, doctor, or any other officer of the said vessel, the sum of one hundred pounds of like current

Penalty for giving false account of the health of a vessel.

A. D. 1721.

money, each of them respectively, and six months imprisonment as aforesaid; and any of the common sailors, the sum of fifty pounds of like current money, and three months imprisonment as aforesaid; the said forfeitures to be recovered for the use of the publick, and paid to the Receiver General, who is hereby authorized to sue for and recover the same in form and manner as aforesaid.

In case of
violent storms.

X. *And be it further enacted* by the authority aforesaid, That in extremity of weather, or in hurricanes, when vessels cannot without apparent danger ride at anchor in their prescribed roads, under quarantine, that then and in all such cases, they shall and are hereby permitted to weigh or slip anchor, and make the best of their way to the most commodious river or creek above Charlestown, for their security, until the said hurricane or extream storms be over, and shall then immediately weigh, and if possible return to and come to an anchor at the respective roads whence the said vessel weighed; but in case they are by any means prevented from returning as aforesaid, that then the said vessels or vessel shall remain there until his Excellency's pleasure, or the Governour for the time being, be signified.

Any other har-
bour being
made a port of
entry, com-
manding officer
to execute the
same powers
herein granted.

XI. *And be it further enacted* by the authority aforesaid, That if any other harbour in the Province aforesaid, be made a port of entry, that in every such port the commanding officer in chief residing there, is hereby authorized to put in execution all the powers herein granted to any person whatsoever, with respect to the imposing of oaths, or the executing any matter or thing in this law contained, for the preventing the spreading of any infectious or malignant distemper; and that the said officer shall on all such occasions immediately transmit an account to his Excellency, or to the Governour for the time being, of the state of health and condition of all persons of what denomination soever, in every such vessel, and shall truly observe all such further directions as shall from time to time be given him by his Excellency, or by the Governour for the time being; and the said officer for the neglect or non-performance of his duty, shall be under the same penalties and fines as the commanders of Johnson's fort, and the pilots, with respect to the premisses; which penalties and fines are to be recovered as aforesaid.

No. 317.

XII. *And be it further enacted* by the authority aforesaid, That all clauses, paragraphs and provisoes, and every other matter and thing contained in one Act entituled an Act for the more effectually preventing the spreading contagious distempers, ratified in open Assembly the seventeenth day of June, in the year of our Lord one thousand seven hundred and twelve, which said Act was revived and continued to the twelfth day of February, one thousand seven undred and nineteen-twenty, be and are hereby repealed to all intents and purposes, and entirely null and void, and of no force, as if no such Act or Acts had ever been made.

JAMES MOORE, SPEAKER.

CHARLESTOWN, Sept. 1, 1721.

Assented to by FR. NICHOLSON, *Governour.*

NOTE.—See Acts No. 343* and No. 413, sect. 1, and section 12 of No. 438, the present Act.

A. D. 1721.

No. 439.

AN ACT FOR THE SPEEDY RECOVERY OF SMALL DEBTS.

FORASMUCH, as it is requisite that there be some remedy for the recovery of small debts—may it therefore please your most sacred Majesty, that it may be enacted,

I. *And be it enacted*, by his Excellency Francis Nicholson, Esq. Governour, by and with the advice and consent of his Majesty's honourable Council, and the Assembly of this Province, and by the authority of the same, That in all cases wherein the real debt or damage doth not exceed the value of ten pounds current money of South Carolina, or the sum of forty shillings sterling, it shall and may be lawful for any one Justice of the Peace, and he is hereby impowered, to issue his warrant directed to any lawful marshal or constable, to summons the defendant to appear before him, at such time and place as he shall appoint, and upon full hearing and good evidence, he shall give his judgment in the matter, which shall be final and conclusive to both plaintiff and defendant, without further appeal; and in case of non-appearance upon warrant duly served, being so returned by the marshal or constable, and affidavit made thereof, such Justice may, and is hereby impowered and required to pronounce judgement by default, as is used in the Court of Common Pleas, and after judgement given in any case, may grant an execution against the body or against the goods of the defendant, directed to the marshal or other officer as aforesaid, to levy the said debt or damage, with charges thereupon, as is usual for the recovering of larger sums; and such officer by virtue thereof, shall expose the same goods to sale, returning the overplus (if any be) to the defendant; and in case such complainant be non-suited, or judgement pass against him, then the said Justice is hereby impowered to assess to the defendant reasonable costs against such complainant, to be levied and recovered in manner and form above expressed.

Cases under 10 pounds, may be decided by one Justice of the Peace.

II. *And be it further enacted* by the authority aforesaid, That the oath of the plaintiff, if the magistrate has reason to believe the same to be true, shall be deemed sufficient to prove the plaintiff's debt; but in case the defendant shall deny the same upon oath, then the plaintiff shall be obliged to produce some white person or free man to prove the said debt, unless the same be for a book-debt, or note or bill, in which case the oath of the plaintiff producing and swearing to his books, shall be allowed to be evidence, as it hath been allowed in the courts of law in this Province.

In case of denial of debt, the plaintiff must bring proof.

III. *And be it further enacted* by the authority aforesaid, That if any person who shall commence any action in any of the courts of law in this Province, who shall not recover above the sum of ten pounds current money of this Province, or the value of forty shillings sterling, shall lose all his costs of suit.

Judgments less than 40s. no costs allowed.

IV. *And be it further enacted* by the authority aforesaid, That every Justice of the Peace, Marshal or Constable, shall and may have, receive and take, for the several matters relating to their respective offices, in the execution of this Act, the several sums herein after mentioned, viz :

Justices and Marshal's fees.

To the Justice of the Peace.

For every Warrant, the sum of five shillings.
For hearing and determining the cause, five shillings.
For signing an Execution, five shillings.

To the Marshal or Constable, viz.

For serving every Warrant, five shillings.
For Mileage, each mile, one shilling.

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For Poundage, each pound, one shilling.

For serving an Execution, five shillings.

V. *And be it further enacted*, That one Act, entituled an Act for the Recovery of Small Debts out of Court, before a single Justice of the Peace, be and is hereby repealed.

JA. MOORE, SPEAKER.

CHARLESTOWN, Sept. 2, 1721.

Assented to by FR. NICHOLSON, *Governour*.

NOTE.—See Act No. 88. By an additional Act to this Act, passed March 11, 1726, sect. 1, jurisdiction is given a Justice of Peace to try all actions of debt not exceeding £20 currency; and by section 3 of that Act, the first section of the present Act confining the Justice's jurisdiction to 40s. sterling, is repealed.

No. 440. AN ACT for the better Settling and Regulating the Militia.
(Ratified Sept. 2, 1721. *See last volume.*)

No. 441. AN ACT for establishing a Court of Chancery in this his Majesty's Province of South Carolina.
(Ratified Sept. 9, 1721. *See last volume.*)

No. 442. AN ACT to impower the several Commissioners of the High-Roads, private Paths, Bridges, Creeks, Causeys, and cleansing of Water Passages in this Province of South Carolina, to alter and lay out the same, for the more direct and better conveniency of the inhabitants thereof.
(Ratified Sept. 15, 1721. The last clause of this Act repeals all former Acts on the subject of Roads, Highways, Creeks, Bridges, &c. *See last volume.*)

At a General Assembly begun at Charlestown, the twenty-seventh day of July, in the seventh year of the reign of our Sovereign Lord George, by the grace of God, of Great Britain, France and Ireland, King, defender of the faith, &c. Anno Domini one thousand seven hundred and twenty-one.

No. 443. AN ACT AGAINST EXCESSIVE USURY.

Preamble. I. WE humbly pray your most sacred Majesty that it may be enacted, and *Be it therefore enacted* by his Excellency Francis Nicholson, Esq. Governour, &c. by and with the advice and consent of his Majesties honourable Council and the Assembly of this Province, and by the authority of the same, That no person or persons whatsoever within this Province,

whether inhabitant or foreigner, upon any contract from and after the ratification of this Act, shall exact or take directly or indirectly, for loan of any moneys, wares, or merchandizes, or other commodities whatsoever to be paid in money, above the value of ten pounds for the forbearance of one hundred pounds for one year, and so after that rate for a greater or lesser sum, or for a longer or shorter time; nor shall any person or persons whatsoever, within this Province as aforesaid, from and after the time aforesaid, exact or take directly or indirectly, for loan of any wares, merchandizes or other commodities, for one year, to be paid in rice or other commodities of this Province, above ten per cent. for any such commodities for one year, and so after that rate for a greater or lesser quantity or for a longer or shorter time; and that all bonds, contracts, assurances whatsoever made after the time aforesaid, for the payment of any principal money or rice, goods or commodities aforesaid, to be lent or covenanted to be performed upon, or for any usury whereupon or whereby there shall be reserved above the rate of ten pounds in the hundred for money as aforesaid, or above ten per cent. for rice or any other goods or commodities as aforesaid, shall be utterly void; and that all and every person and persons whatsoever, which after the time aforesaid shall upon any contract to be made, take, exact and receive by any ways or means of any corrupt bargain, loan, exchange, shift or interest of any wares, merchandizes or other thing or things whatsoever, or by any deceitful way or means, or by any coven instrument or deceitful conveyance for the forbearance or giving day of payment for one whole year of and for their money, rice, goods and commodities aforesaid, above the sum of money or quantity of rice or other goods and commodities aforesaid, for the forbearance aforesaid, shall forfeit and loose for every such offence, the treble value of the money, rice, wares, merchandizes or other thing so lent, bargained, sold, exchanged and shifted as aforesaid; the one half of the said fine and forfeiture to our Sovereign Lord King George, his heirs and successors, for the support of this government, the other half to him or them that shall sue for the same, to be recovered in any Court of Record in this Province, by action of debt, bill, plaint or information, wherein no essoign, protection or wager of law, shall be allowed.

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No person to take more than £10 interest for the loan of 100.

All bonds and contracts wherein more shall be reserved to be void.

They that take more shall forfeit treble the value of the thing lent.


The said forfeiture how disposed and recovered.

II. And whereas, divers persons have of late taken advantage of the great necessities of the people, exacted five and twenty pounds interest for the loan of one hundred pounds for one year, and very often more, by stopping twenty-five pounds and often more out of the one hundred pounds, and taking the borrower's bond for one hundred pounds, payable in one year, and so concealing their evil and pernicious practices, because at the common law the party to such usuror's bonds or contracts can be no evidence against them—for prevention thereof *Be it further enacted* by the authority aforesaid, That the borrower or party to such usuror's bond or contract, shall be allowed to be good evidence against such usuror, unless he shall deny upon his oath that what such evidence hath sworn against him is true.

Borrower allowed to be evidence against the Usurer, unless denied on oath.

III. *And be it further enacted* by the authority aforesaid, That all and every scrivener and scriveners, broker and brokers, attorney and attorneys, solicitor and solicitors, driver and drivers of bargains for contracts, who shall after the end of this present session of this Assembly, receive directly or indirectly, any sum or sums of money, or other reward or thing for brokage, soliciting, driving or procuring the loan or forbearing of any sum or sums of money, or for any rice, wares, merchandizes or other commodities whatsoever, over and above the rate or value of twenty shillings for the loan or forbearing of one hundred pounds of money, or the

Any Scrivener or Broker that shall take more than 20s. fee shall forfeit £100.

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JA. MOORE, *Speaker.*

Charlestown, September the 15th, 1721.

Assented to by FR. NICHOLSON, GOVERNOUR.

NOTE.—See Act of 13th February, 1719, No. 414, and the Editor's observations thereon on Usury laws.

At a General Assembly begun at Charlestown, the twenty-seventh day of July, in the seventh year of the reign of our Sovereign Lord George, by the grace of God, of Great Britain, France and Ireland, King, defender of the faith, &c. Anno Domini one thousand seven hundred and twenty-one.

No. 444. AN ACT TO ALTER THE BOUNDS OF ST. GEORGE'S PARISH.

Preamble.

WHEREAS, the lines of St. George's Parish, as they were settled by an Act of the General Assembly of this Province, ratified the eleventh day of December, in the year of our Lord one thousand seven hundred and seventeen, will prove very prejudicial and inconvenient to the inhabitants of the said Parish; therefore, for the preventing such inconveniences and prejudices, we humbly pray your Majesty that it may be enacted,

The Parish of St. George to be bounded as herein is expressed.

I. *And be it enacted* by his Excellency Francis Nicholson, Esq. Governour, &c. by and with the advice and consent of his Majesties honourable Council and the Assembly of this Province, and by the authority of the same, That the several bounds and dividing lines hereafter mentioned and expressed, shall remain and forever hereafter continue and be the bounds and dividing lines of the said Parish of St. George's, any law or laws of this Province heretofore past, to the contrary in any wise notwithstanding.

Bounds of the said Parish.

II. *Be it therefore enacted* by the authority aforesaid, That St. George's Parish aforesaid, shall be bounded on the south side of Ashley river, with a south-west line from the plantation of Mr. Richard Bedon inclusive, to the bounds of Colleton county, on the north side of the said river by a north-east line from the plantation of William Baker, deceased, inclusive, to the bounds of St. James's Goose Creek, and on all other parts by the same bounds the aforesaid Parish of St. Andrews was formerly bounded.

JA. MOORE, *Speaker.*

Charlestown, September the 15th, 1721.

Assented to by FR. NICHOLSON, GOVERNOUR.

A. D. 1721.

AN ACT for maintaining a Watch and keeping good order in
Charlestown.

No. 445.

(Ratified the 15th of September, 1721. See T. A. No. 28. See last volume.)

At a general Assembly begun at Charlestown, the twenty-seventh day of July, in the seventh year of the reign of our Sovereign Lord George, by the grace of God, of Great Britain, France and Ireland, King, defender of the faith, &c. Anno Domini one thousand seven hundred twenty and one.

AN ACT TO ASCERTAIN THE MANNER AND FORM OF ELECTING MEMBERS TO REPRESENT THE INHABITANTS OF THIS PROVINCE IN THE COMMONS HOUSE OF ASSEMBLY, AND TO APPOINT WHO SHALL BE DEEMED AND ADJUDGED CAPABLE OF CHOOSING OR BEING CHOSEN MEMBERS OF THE SAID HOUSE.

No. 446.

WHEREAS, the choosing members of the Commons House of Assembly for this Province, by parishes or precincts, has been found by experience to be the most just and least expensive method that can be devised, and approaches nearest to the form and method of choosing or electing members in other his Majesties dominions and plantations, and not liable to the inconveniencies that attend any other method heretofore used or practised in this Province; therefore for preserving the same inviolable, we humbly pray your most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted* by his Excellency Francis Nicholson, Esq. Governour, &c. by and with the advice and consent of his Majestie's honourable Council and the Assembly of this Province, and by the Authority of the same, That the persons who shall be chosen to serve as members of Assembly after the ratification of this Act, shall be elected and chosen after the manner and at the places appointed by this Act.

Members of Assembly to be chosen after the manner and at the places appointed by this Act.

II. *And be it further enacted* by the authority aforesaid, That all writs for the future elections of members of Assembly, shall be issued out by the Governour and Council for the time being, and shall bear date forty days before the day appointed for the meeting of the said members, and shall be directed to the church-warden or church-wardens of the several parishes hereafter named, or in case there should be wanting church-wardens in any parish, then to such other proper persons as the Governour and Council shall think fit to nominate in the said writs, to manage such elections, every one of whom are hereby impowered and required to execute the said writs faithfully according to the true intent and meaning of this Act, to which every such person shall be sworn by any one justice of the peace for the county, who is hereby required to administer such oath without fee or reward, and shall give publick notice in writing of all and every such writs, two Sundays before the appointed time of election, at the door of each parish church, or at some other publick place as shall be appointed in the said writs, in such parishes as have yet no churches erected, to the intent the time and place of election may be better and more fully made known, which writs shall be executed upon the same days at all places where elections are appointed.

Writs for electing members of Assembly, when to be issued; to whom to be directed, and how to be executed.

A. D. 1721.

Qualifications
of the electors.

III. *And be it further enacted* by the authority aforesaid, That every free white man, and no other person, professing the Christian religion, who has attained to the age of one and twenty years, and hath been a resident and an inhabitant in this Province for the space of one whole year before the date of the writs for the election he offers to give his vote at, and hath a freehold of at least fifty acres of land, or hath been taxed in the precedent year twenty shillings, or is taxed twenty shillings the year present, to the support of this Government, shall be deemed a person qualified to vote for, and may be capable of electing a representative or representatives to serve as a member or members of the Commons House of Assembly, for the parish or precinct wherein he actually is a resident, or in any other parish or precinct wherein he hath the like qualification.

Manner of
voting.

IV. *And for the preventing of frauds in all elections, as much as possible, it is hereby enacted* by the authority aforesaid, That the names of the electors for members of the Commons House of Assembly, shall be fairly entered in a book or roll, for that purpose provided by the churchwardens, or other persons appointed for managing elections, to prevent any person's voting twice at the same election; and the manner of their voting shall be as herein after is directed, that is to say, each person qualified to vote as is above directed, shall put into a box, glass or sheet of paper, prepared for that purpose by the said churchwardens, or other persons, as is above directed, a piece of paper rolled up, wherein is written the names of the Representatives he votes for, and to which paper the elector shall not be obliged to subscribe his name; and if upon the scrutiny two or more papers with persons written thereon for members of Assembly, be found rolled up together, or more persons names be found written in any paper than ought to be voted for, all and every such paper or papers shall be invalid and of no effect; and that those persons, who after all the papers and votes are delivered in and entered as aforesaid, shall be found (upon the scrutiny made) to have the majority of votes, are and shall be deemed and declared to be members of the succeeding Commons House of Assembly, so as they be qualified as is hereinafter directed.

How the elec-
tion is to be
managed.

V. *And be it further enacted* by the authority aforesaid, That the said election shall not continue longer than two days, and that the said elections shall begin at nine in the morning, and end at four in the evening, and that at adjourning of the poll at convenient hours, in the time of the aforesaid election, the church-wardens or other persons as aforesaid, impowered to manage the said elections, shall seal up the said box, glass or paper wherein are put all the votes then delivered in and rolled up by the electors as aforesaid, with their own seals and the seals of any two or more of the electors that are there present, and upon opening the poll shall unseal the said box, glass or paper in the presence of the said electors, in order to proceed in the said election.

Notice to be
given to the
persons elected.

VI. *And be it further enacted* by the authority aforesaid, That the said church-wardens, or other persons appointed in each parish to manage the elections aforesaid, shall within seven days after the scrutiny is made, give publick notice in writing at the church door, or at such other publick places in the parishes that have no churches, where the election was made, to the person or persons so elected, that the inhabitants of the said parish have made choice of him or them, to serve as their Representative or Representatives in the next succeeding Commons House of Assembly, under the penalty of one hundred pounds current

money of this Province, for his default or neglect therein, to be recovered and disposed of in such manner and form as is hereafter in this Act directed. A. D. 1721.

VII. *And be it further enacted* by the authority aforesaid, That the inhabitants of the several parishes in this Province, qualified to vote for members of Assembly, as is before in this Act directed, shall upon the days of election, according to the Governour's and Council's precept for the time being, meet at their respective parish churches, or at some other publick place in such parishes as have not yet any churches erected in them, as shall be appointed by the said precept, and there proceed to chuse their Representatives according to the Number following, that is to say: the parish of St. Philip's Charlestown, five members; for the parish of Christ Church, two members; for the parish of St. John's, three members; for the parish of St. Andrew's, three members; for the parish of St. George's, two members; for the parish of St. James Goose Creek, four members; for the parish of St. Thomas and St. Dennis, three members, the election to be made at the parish church of St. Thomas; for the parish of St. Paul's, four members; for the parish of St. Bartholomew's, at such place in the said parish as shall be appointed by the Governour and Council's precept, (until the parish church is erected) four members; for the parish of St. Helena, four members, the election to be made at Beauford in the said parish; and for the parish of St. James Santee, with Winyaw, two members. And the said several members, who upon a scrutiny, are found to have the majority of votes, so as they are qualified as is hereinafter directed, shall be and they are hereby declared and adjudged to be the true Representatives for the said parish.

Number of
Representa-
tives to be
chosen.

VIII. *And be it further enacted* by the authority aforesaid, That every person who shall be elected and returned as is before directed by this Act, to serve as a member of the Commons House of Assembly, shall be qualified as followeth, viz: He shall be a free born subject of the kingdom of Great Britain, or of the dominions thereunto belonging, or a foreign person naturalized by Act of Parliament in Great Britain or Ireland, that hath attained to the age of twenty-one years, and hath been resident in this Province for twelve months before the date of the said writs, and having in this Province a settled plantation or free-hold, in his own right, of at least five hundred acres of land, and ten slaves, or has in his own proper person, and in his own right, to the value of one thousand pounds in houses, buildings, town lots or other lands in any part of this Province.

Qualifications
of the elected.

IX. *And be it further enacted* by the authority aforesaid, That any of his Majesty's justices of the peace returned to serve as a member of the said Commons House of Assembly, shall read over to the rest of the members returned to serve in the said House, before they be admitted to sit as such, the last mentioned qualifying clause, and then each member before he be admitted to sit as such in the said House, shall take the following oath on the holy evangelists. I, A B, do sincerely swear, that I am duly qualified to be chosen and serve as a member of the Commons House of Assembly of this Province, for the parish of ———, according to the true intent and meaning of this Act, so help me God.

Qualification
oath.

X. *And be it further enacted* by the authority aforesaid, That if any member or members hereafter chosen to serve in any Commons House of Assembly, should die, or depart this Province, or refuse to qualify him or themselves as in this Act directed, or be expelled by the said House of Commons, then and in such cases the said House shall by message to the Governour and Council for the time being, desire them to issue out a new

In case of death
or refusal, a
new writ to be
issued.

A. D. 1721.

writ or writs, and the said Governour and Council shall on such a message to them presented, issue out a new writ or writs, directed as before in this Act is appointed, for chusing another person or persons to serve in the place or places of such member or members so dead or departed this Province, or who shall refuse to qualify him or themselves, or be expelled as aforesaid; which person or persons so chosen and summoned as before directed, shall attend the Commons House of Assembly, as by the precept is directed, under the same fines and penalties the several churchwardens, or other persons appointed to manage elections according to the directions of this Act, are liable to by the said Act.

Power and privilege of such member.

XI. *And be it further enacted* by the authority aforesaid, That all and every member and members of the Commons House of Assembly of this Province, chosen by virtue of this Act, shall have as much power and privilege to all intents and purposes, as any member or members of the Commons House of Assembly of this Province, heretofore of right had, might, could or ought to have in the said Province; provided the same are such as are according to his Majesty's thirty-fifth instruction.

Penalty for mismanagement at elections.

XII. *And be it further enacted* by the authority aforesaid, That if any person or persons appointed by this Act to manage any election for a member or members of the Commons House of Assembly, as aforesaid, shall willingly or knowingly admit of or take the vote of any person not qualified according to the purport of this Act, or after any vote delivered in at such election, shall open or suffer any person whatsoever to open any such vote, before the scrutiny is begun to be made, or shall make an undue return of any person for a member of the Commons House of Assembly, each person so offending, shall forfeit for each such vote taken and admitted of, opened or suffered to be opened as aforesaid, and for each such return, the sum of one hundred pounds current money of this Province, to be recovered and disposed of in such manner and form as hereafter in this Act is directed.

Managers of elections shall attend the Commons House the two first days of their sitting.

XIII. *And be it further enacted* by the authority aforesaid, That all and every person and persons appointed to take votes, or to manage elections of members to serve in the Commons House of Assembly as aforesaid, shall for that purpose attend at the time and place of election according as he or they are directed by the said writs, and attend likewise on the said Commons House of Assembly the two first days of their sitting (unless he or they have leave sooner to depart) to inform them of all such matters and disputes that did arise, or may have arisen about the election of any member or members to serve as aforesaid, or at any place or places where the same was or were appointed to be managed, and shall shew to said House the list of the votes of every person returned to be a Representative to serve as aforesaid, or which otherwise ought to have been returned as such, (if any complaint of a false return has been made to the Commons House of Assembly) and every person appointed to take votes as aforesaid, who shall omit or refuse to attend at either of the times and places as aforesaid, shall forfeit the sum of ten pounds current money of this Province, to be recovered and disposed of in such manner and form as is hereafter directed by this Act.

Persons guilty of illegal practices at the elections how to be punished.

XIV. *And be it further enacted* by the authority aforesaid, That if any person or persons whatsoever, shall on any day appointed for the election of a member or members of the Commons House of Assembly as aforesaid, presume to violate the freedom of the said election by any arrest, menaces or threats, or endeavor or attempt to over-awe, fright or force any person qualified to vote against his inclination or conscience, or otherwise by bribery obtain any vote, or who shall after the said election is over,

menace, despitefully use or abuse any person because he hath not voted as he or they would have had him, every such person so offending, upon due and sufficient proof made of such his violence or abuse, menacing or threatening, before any two justices of the peace, shall be bound over to the next General Sessions of the Peace, himself in fifty pounds current money of this Province, and two sureties, each in twenty-five pounds of like money, and to be of good behaviour, and abide the sentence of the said Court, where if the offender or offenders are convicted and found guilty of such offence or offences as aforesaid, then he or they shall each of them forfeit the sum of fifty pounds current money of this Province, and be committed to goal without bail or mainprize till the same be paid, which fine so imposed shall be paid unto one of the church-wardens of the parish, where the offence was committed, for the use of the poor thereof; and if any person offending as aforesaid, shall be chosen a member of the Commons House of Assembly, after conviction of illegal practices proved before the said House, shall by a vote of the said House be rendered incapable to sit or vote as a member of that Commons House of Assembly.

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XV. *And be it further enacted* by the authority aforesaid, That no civil officer whatsoever shall execute any writs or other civil process whatsoever, upon the body of any person qualified to vote for members of the Commons House of Assembly as before in this Act is directed, either in his journey to or in his return from the place of such election, or during his stay there on that account, or within forty-eight hours after the scrutiny for such elections is finished, under the penalty of twenty pounds current money of this Province, to be recovered of and from the officer which shall arrest or serve any process as aforesaid, after such manner and form, and to be disposed of as hereinafter is directed; and all such writs or warrants executed on the body of any person either going to or being at, within the time limited by this clause, or returning from the place of such election is appointed to be managed, he being qualified to give in his vote thereat, are hereby declared void and null.

No person qualified to vote, shall be arrested on his journey to or return from the place of such election.

XVI. *And be it further enacted* by the authority aforesaid, That every justice of the peace who shall refuse or neglect to do his duty in and by this Act enjoined and required, shall for every default forfeit the sum of one hundred pounds current money of this Province, to be recovered and disposed of as is hereinafter directed by this Act.

Penalty on any justice of the peace refusing or neglecting his duty.

XVII. *And be it further enacted* by the authority aforesaid, That in any succeeding Commons House of Assembly, no less than nineteen members duly met shall make an House to transact the business of the same; and for passing any law therein, there shall not be less than ten affirmatives; nor shall a less number than seven members of the said House met together, have power to adjourn, which number are hereby declared to have power in the absence of the speaker, to chuse a chairman to adjourn the members from day to day, and to summons by their messenger any absenting member or members to appear and give their attendance in the said House.

No less than 19 members shall make an House to transact business, and not less than seven adjourn.

XVIII. But for as much as by the great distance of the habitation of several of the members from Charlestown, through bad weather and other accidents, it may often happen, that such a number may not meet to make an adjournment, *Be it therefore enacted* by the authority aforesaid, That in case none of the members of the Commons House of Assembly, or a less number than seven of them, should appear in the said House according to the directions of the writs appointing their first meeting, or to their last prorogation or adjournment, that then and in such case it shall be, and it

In case none, or a less number than seven should appear, then the Governor and Council may name another day for the meeting.

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is hereby declared lawful for the Governour for the time being, with the advice and consent of his Council, to name a further day for the meeting of the said Commons House of Assembly, and that the said House shall not be dissolved by their not meeting as aforesaid, any law, custom or usage to the contrary thereof in any wise notwithstanding.

A new elected member shall first take the usual oaths, and sign the Declaration.

XIX. *And be it further enacted* by the authority aforesaid, That whosoever for the future shall be elected a member to serve in the Commons House of Assembly, before he be permitted to sit and vote in the said house, shall further qualify himself for the same, by taking the usual oaths, and make and sign the declaration appointed by several Acts of Parliament of Great Britain.

Fines and forfeitures how to be disposed of and recovered.

XX. *And be it further enacted* by the authority aforesaid, That all the fines and forfeitures mentioned in this Act, and not before particularly disposed of, the one half thereof shall be to his Majesty, for the use of the poor of the parish of St. Philips Charlestown, to be paid to the churchwardens of the said parish, and the other half to him or them that will sue for the same, by action of debt, suit, bill, plaint or information, in any Court of Record in this Province, wherein no essoign, protection, privilege or wager of law, or stay of protection, shall be admitted or allowed of.

Every General Assembly shall be dissolved every 3 years.

XXI. *And be it further enacted* by the authority aforesaid, That this present General Assembly shall determine and be dissolved at the expiration of three years next after the date of the writs issued out for calling the same, and that every General Assembly hereafter called by virtue of any writs as aforesaid, shall determine and be dissolved every three years next after the date of the respective writs by which they were called, except sooner dissolved by the Governour.

And not discontinued or intermitted above 6 months.

XXII. *And be it further enacted* by the authority aforesaid, That the sitting and holding of General Assemblies shall not be discontinued or intermitted above six months, but shall within that time, from and after the determination of this or any other General Assembly, or oftener, if occasion require, new writs to be issued out by the Governour for the time being, for calling, assembling and holding of another General Assembly.

The present Assembly shall be held a lawful Assembly, and all the Acts passed therein deemed laws of this Province.

XXIII. *And be it further enacted and declared*, That this present Assembly having been elected and called together by virtue of his Majesty's royal commissions and instructions, to his Excellency Francis Nicholson, Esq. his Majesty's Governour and Commander-in-chief of this his Province of South Carolina, shall in all things whatsoever be deemed and held to be a true and lawful Assembly, and all Acts and Ordinances duely passed by them, by and with the consent of his Majesty's honourable Council, and assented to by his Excellency, shall be deemed and accounted laws and orders of the said Province, any thing in any former Act of this Province heretofore made notwithstanding.

All former Acts concerning the electing of members of Assembly repealed.

XXIV. *And be it further enacted* by the authority aforesaid, That all former Acts of Assembly of this Province, relating to or concerning the elections of members to serve in the Commons House of Assembly, be from and after the ratification of this Act, repealed, and they are hereby declared void and repealed.

JAMES MOORE, *Speaker.*

CHARLESTOWN, ***** 19, 1721.

Assented to by FRANCIS NICHOLSON, *Governour.*

NOTE.—The Acts repealed by this Act, are Nos. 227, 365, 373, 394.

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At a General Assembly begun at Charlestown the twenty-seventh day of July, in the seventh year of the reign of our Sovereign Lord George, by the grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, &c. Anno Domini one thousand seven hundred and twenty-one.

AN ACT FOR THE BETTER REGULATION OF THE INDIAN TRADE, BY APPOINTING COMMISSIONERS FOR THAT PURPOSE, AND TO SURVEY AND SUPERVISE THE GARRISONS, AND TO SETTLE THE BOUNDS OF THE INDIANS.

No. 447.

WHEREAS, the establishing a good correspondence and regulating the trade to be carried on between the inhabitants of this Province and the several Indian nations in amity with the same, is of the greatest consequence to the safety, preservation and well-being of all his Majesties subjects residing and inhabiting in this his Province of South Carolina; may it therefore please your most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted* by his Excellency Francis Nicholson, Esq. Governour, by and with the advice and consent of his Majesty's honourable Council and the Assembly of this Province, and by the authority of the same, That from and after the ratification of this Act, if any person or persons whatsoever, other than such as duly obtain lycences in the manner hereinafter mentioned, shall directly or indirectly visit, frequent, trade, traffick or barter, to or with any Indian or Indians in amity with this Government, except the following nations of Indians, who are deemed to be resident within the Settlement, viz: Etewans, Cussoes, Winyaws, Cape Fears, Keywas, St. Helenas, Edistoos, and the Tuskeroroes living at Port Royal—all and every such offender or offenders shall forfeit the sum of two hundred pounds, to be sued for and recovered as is hereinafter directed, the one half to the informer and the other half to the King, to be disposed of by the General Assembly, for and towards the support of this Province; and all and singular the goods, wares, merchandizes, slaves, furs, skins, either carried to, bartered, sold to, or brought from any the said Indians, to be seized by warrant from under the hand and seal of any one of the commissioners hereafter appointed.

Unlicensed persons trading with Indians to forfeit £200.

Excepting the Indians enumerated.

II. *And be it further enacted* by the authority aforesaid, That no person or persons being lawfully lycenced to trade as this Act directs, shall presume to trade, traffick or barter, to or with any Indian or Indians within the bounds following, on the penalty of two hundred pounds, that is to say, from the north-east of the Savana river to the south-west of Santee, and not within twenty miles beyond each garrison, on the same side of said rivers.

Persons licensed prohibited trading out of certain bounds.

III. *And be it further enacted* by the authority aforesaid, That the Hon. Colonel William Bull, George Chicken and John Herbert, Esqs. be and they are hereby nominated and appointed commissioners for transacting the powers and authorities, matters and things, which by this Act they are empowered, authorized or enjoined to do: and that the said commissioners, or any two of them, shall sit as a board, in Charlestown, four times in every year, that is to say, the first Tuesday in October next, and the first Tuesday in January, and the first Tuesday in April and July, and to continue to sit at least two days every meeting, and oftener if need be, to grant lycences, give instructions, and take bonds, to and from such person and persons as they shall think are proper persons to be suffered to trade, and take the state oaths, and an oath for the faithful execution of the several powers granted to them by this Act, viz: I, A B, do promise to put in

Commissioner appointed.

A. D. 1721.

execution all the powers and authorities given to me as a commissioner, by this Act, without favour or affection, and that I will not directly or indirectly receive any other benefit thereby but the salary therein allowed me: so help me God.

Allowance to
commissioners.

IV. *And be it further enacted* by the authority aforesaid, That each of the commissioners appointed to execute the several powers and authorities of this Act, shall be allowed the sum of three hundred pounds per annum, to be paid to them by the publick Receiver, half yearly, who is hereby required and directed to pay the same accordingly.

License money
to be paid over
to the public
Receiver.

V. *And be it further enacted* by the authority aforesaid, That all sum and sums of money arising from the traders lycences, shall be paid to the publick Receiver, which shall be applyed towards paying the commissioners salaries and other charges appointed by this law, (except the fee to be paid to the Secretary,) and to no other intent or purpose whatsoever; and if the lycence money exceed the salaries and charges by this law appointed, that the overplus be appropriated by the General Assembly towards the support of this Government.

Duty of the
commissioners.

VI. *And be it further enacted* by the authority aforesaid, That the said commissioners, or any two of them, shall twice in the year visit Fort Moore, the Congree Garrison, and the Fort at the Alatomaha river, Port Royal Garrison, and Andrew Colling's plantation, at Wineau, or such other convenient place as they shall think proper, to correspond with the Wackamaw and other Indian nations to the northward; and in their said visitations they are hereby impowered and required to examine into the exact state of the garrisons, to survey the forts, the provisions and warlike stores, and if they shall find any thing amiss or out of order, or that proper care is not taken by the officers at the said garrisons, they are to give such directions therein as they shall think will tend most to the interest and advantage of the said forts and garrisons, and if need be, to order any of the said forts to be altered, enlarged or diminished; and all the said officers are hereby required and directed to observe and follow all such orders and instructions as the said commissioners shall give for that purpose; and in case any of the said officers should be negligent and fail in their duty, whereby the publick service may suffer, the said commissioners are hereby impowered to suspend any officer in the said garrisons that receives pay or salary from this Province, and to appoint others in their place, until the Governour's pleasure be known.

They may hear
and determine
complaints
made by the
Indians.

VII. *And be it further enacted* by the authority aforesaid, That the said commissioners, in their said several visitations aforesaid, shall have power, and they are hereby impowered, to hear and determine any complaints from the Indians, and upon such complaints to take the evidence of any Indian or Indians, against any person or persons trading amongst them, if such complaint shall be grounded on such plain and evident circumstances as the said commissioners shall have good and just reason to believe the said Indian or Indians declare the whole truth; and the said commissioners (if the complaint of the damages done to the said Indian or Indians does not amount to above the value of twenty pounds current money of this Province,) shall have power, and they are hereby impowered, to judge and award to the said Indian or Indians so damaged as aforesaid, the sum of ten pounds like current money, and (if they think it necessary) to withdraw their lycence from such trader or traders.

May issue their
warrant against
traders to other
traders.

VIII. *And be it further enacted* by the authority aforesaid, That the said commissioners shall issue out their warrant directed to any other trader or traders living, residing, and trading by lawful lycence in the same nation where such trader shall be adjudged to pay the said sum of

twenty pounds, requiring and directing him or them to compel the trader adjudged to comply with and perform the sentence of the said commissioners, and the said trader or traders to whom the said warrant shall be directed, are hereby required to cause the said warrant to be duly executed, and to certify upon the back of the said warrant, to the said commissioners, that the trader sentenced hath made full and ample satisfaction to the Indian or Indians aggrieved, pursuant to the warrant to him directed; and in case the trader adjudged to make satisfaction by the sentence and decree of the commissioners aforesaid, shall refuse to do it, after such warrant is served to him, he and every of them shall forfeit double the sum awarded; and in case the trader to whom such warrant shall be directed, shall refuse to put such warrant in execution, he shall forfeit the sum of twenty pounds.

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IX. *And be it further enacted* by the authority aforesaid, That all person or persons who shall trade, traffick or barter to and with any nation of Indians in amity with this Government (except such as are before excepted) shall first take and receive from the commissioners aforesaid, or any two of them, at the aforesaid times of meeting in Charlestown, a lycence and instructions under the hands of the said commissioners and the broad seals of their office, which shall be the same as was made use of by the former commissioners, and also enter into bond to his Majesty, his heirs and successors, with one sufficient security, in the penalty of three hundred pounds, conditioned for his or their demeaning themselves well towards the Indians in amity with this Government, and that they shall observe and obey all such orders and instructions as shall be from time to time given them by the said commissioners under their hands and the publick seals of their office; and further, all such bonds that shall be forfeited shall be put in suit, and the money recovered thereon to be paid into the hands of the publick Receiver, to be disposed of by an ordinance of the General Assembly.

Licences to be taken out by traders, and bonds to be entered into.

X. *And be it further enacted* by the authority aforesaid, That if any person or persons that shall have and receive such lycence or lycences, instruction or instructions, from the said commissioners, or that shall enter into such bonds as aforesaid, shall trust any Indian or Indians in their trade, traffick or barter, he or they shall forfeit the debt due from the said Indian, and over and besides, the sum of ten pounds, for the use of the King, his heirs and successors, to be disposed of by the General Assembly for and towards the support of this Province, and to be recovered as is hereinafter directed; and in case they or any of them shall trade, traffick or barter with any Indians that are deemed enemies to his Majesty's subjects, or with any of the subjects of the King of France or Spain, he or they shall forfeit the penalty of their bonds, for the use of the King, his heirs and successors, to be disposed of by the General Assembly, for and towards the support of this Province, to be also recovered as is herein after directed.

Traders not to give trust to Indians.

XI. *And be it further enacted* by the authority aforesaid, That all such person or persons that shall trade, traffick or barter, (except the traders to the Chickasaws,) to or with any Indians in amity with this Province, shall come to Charlestown at least once in a year, in order to take out a new lycence, in his own proper person, and the said Chickasaw traders once in eighteen months; and that no person or persons whatsoever, living within the settlement, shall have and receive from the said commissioners any lycence or instructions for any persons residing amongst the Indians to trade with the same, unless that such person or persons is or are actually in Charlestown, to receive the same, and to enter into bonds for the faithful

Licence to be personally renewed once a year at Charleston.

A. D. 1721.

discharge of their instructions, as aforesaid; and that all such persons as shall intend to trade to the nation of Indians called Chickasaws, shall be under the same or such other instructions and directions as the commissioners aforesaid shall think fit, and shall enter into bond as aforesaid, but that they shall not pay any thing to the said commissioners or any other person or persons for the said lycence, instructions or bonds, only the fees to the Secretary; and such persons intending to trade amongst the Chickasaws aforesaid, shall not presume to trade, traffick or barter with any Indian or Indians, in their way to the said nation of Indians called Chickasaws.

Indians not to be threatened or overawed.

XII. *And be it further enacted* by the authority aforesaid, That all such person or persons as shall force or compel any Indian or Indians by overaweing or threatening them, to make presents to any Governour of this Province, shall forfeit the sum of one hundred pounds.

Commissioners may grant a licence to particular persons to settle within gun-shot of Alatomaha fort.

XIII. *And be it further enacted* by the authority aforesaid, That the commissioners aforesaid shall have power, and they are hereby impowered, to grant a particular lycence to any particular person or persons, if they think it will be for the service of this Province, to settle within gun-shot of the Alatomaha Fort, there to trade and traffick with such and so many friendly Indians as the said person or persons so lycenced can bring thither to trade; and as an encouragement for such persons to settle near the said garrison, no other person shall presume to trade or traffick within twenty miles of the said Fort, for the space of three years, if the commissioners shall think that such person so particularly lycenced shall behave himself well, and that such particular lycence is no damage or detriment to this Province.

Traders before leaving the Settlement to enter into bond.

XIV. *And be it further enacted* by the authority aforesaid, That all such person or persons as shall be lycenced to trade as aforesaid, shall before his departure from the settlement, enter into sufficient bonds to his Majesty, his heirs and successors, that all such men as they shall carry with them, a list of whose names shall be given into the commissioners for their approbation, which they are to endorse on their respective lycences, shall demean themselves well to all the Indians wherever they shall come, and that they shall not trade unless lycence be granted to them by the commissioners aforesaid, before their departure. And in case any person or persons shall live, reside or trade with any nation of Indians, (excepting persons whose names are endorsed on the lycence in whose service they are,) without lycence first had and obtained from the commissioners aforesaid, the commissioners are hereby impowered to grant a warrant under their hands and seals to any one or more of the traders, to bring down any person so trading without lycence or guilty of any other misdemeanour, who is hereby obliged to execute the said warrant, under the penalty of one hundred pounds.

Warrant to issue against persons settling or trading without licence.

Indians misbehaving may be corporally punished.

XV. *And be it further enacted* by the authority aforesaid, That all and every Justice of the Peace in this Province, upon due complaint made to them by any of the inhabitants of the same, shall have power, and they are hereby impowered, to order corporal punishment to be inflicted by a constable upon any Indian or Indians that shall be proved to have done manifest injury to such inhabitant, in case the said Indian shall refuse or neglect to make such satisfaction to the inhabitant or inhabitants as the said Justice or Justices shall award or direct.

Fee for licence bond, £3.

XVI. *And be it further enacted* by the authority aforesaid, That every person and persons taking out lycence, instructions, and entering into bond as aforesaid, over and besides the sum of twenty pounds to be paid to the commissioners aforesaid, shall pay to the secretary to the said commissioners the sum of three pounds; and the said secretary, who shall be nominated

by the commissioners aforesaid, or the commissioners for the time being, shall keep in fair books the proceedings of the said commissioners, and duplicates of the lycences and instructions granted to such traders, and shall faithfully and carefully keep the bonds entered into by such traders, in fair books, and shall be sworn to execute his office pursuant to this Act, before the Governour, or any other person his Excellency shall appoint. A. D. 1721.

XVII. *And be it further enacted* by the authority aforesaid, That in case any of the commissioners hereby appointed shall happen to dye, go off, or refuse to act, or be incapacitated to act by reason of sickness or other accident, it shall and may be lawful to and for the Governour and Council of this Province for the time being (the General Assembly not then sitting) to nominate and appoint some other fit person to be a commissioner, in the room of him so dying, going off, or refusing to act, and also a commissioner in the room of the commissioner who is incapacitated, as abovesaid, during the incapacity of such commissioner; which said commissioners, so appointed by the Governour, shall have the same powers, authorities and advantages, and be under the same rules, penalties and restrictions, as the other commissioners hereby appointed, until the first meeting of the next General Assembly. Case of commissioners dying or refusing to act.

XVIII. *And be it further enacted* by the authority aforesaid, That all the fines, forfeitures and penalties, arising and accruing by this Act, shall be sued and recovered in any court of record in this Province, wherein no essoign, priviledge, protection or wager of law, nor stay of prosecution, shall be admitted or allowed. Fines and penalties to be recovered in any court of record.

XIX. *And be it further enacted* by the authority aforesaid, That the commissioners in this Act before mentioned, shall have full power and authority to agree with and employ interpreters, and to administer an oath to them, that they will make true interpretation, the better to enable them to settle the trade, and redress the grievances, and hear the complaints of the said Indians, and to apply part of the money arising by the lycences by this Act to be granted to traders, for the payment of the same. Commissioners may employ interpreters, who are to act on oath.

XX. *And be it further enacted* by the authority aforesaid, That the said commissioners are hereby fully authorized and impowered to do and perform any matter or thing which to them shall appear necessary for the better regulating the Indian traders, and keeping in order and in their due bounds the Indians, in as full and ample a manner as if the same were particularly mentioned in this Act. Commissioners to have discretionary power to regulate the Indians.

XXI. *And be it further enacted* by the authority aforesaid, That no Indian or Indians (except such as are before excepted) shall presume to come within the Settlement, as the bounds are before settled for the traders, except also his Excellency the Governour for the time being shall order and permit the same. No Indians to come into the Settlement unless sent for.

XXII. *And be it further enacted* by the authority aforesaid, That the said commissioners shall not directly or indirectly trade, traffick or barter to or with any Indian or Indians whatsoever, or sell or barter, or procure to be sold or bartered, any Indian trading goods, to any white person whatsoever, or receive any skins or other gifts or presents for their own use, from any Indian or Indian traders, under the penalty of one thousand pounds for every such offence. Commissioners not allowed to trade with the Indians.

XXIII. *And be it further enacted* by the authority aforesaid, That the commissioners appointed by this Act have full power and authority, and they are hereby authorized and impowered, to demand and receive of and from all and every the factors and traders employed by the late commissioners, all and every the skins, goods, horses or effects whatsoever, Commissioners may call for and receive goods due from late factors.

A. D. 1721.

belonging to the publick, and the said factor's or traders are accountable to them for the same; and shall dispose of such skins or other goods which they shall receive from time to time, to the best advantage for the publick, by outcry or otherwise, as they shall think fit, and pay the same into the hands of the commissioners for receiving the tax.

Disposal of the public effects in the hands of the former commissioners.

XXIV. *And be it further enacted* by the authority aforesaid, That the late commissioners of the Indian trade shall pay in to the commissioners of the present tax, all such sum or sums of money, goods, wares or effects, which now are in their possession or in the possession of any other person by their order and appointment, they giving receipts for the same.

Qui tam action allowed on this Act.

XXV. *And be it further enacted* by the authority aforesaid, That all fines, forfeitures and penalties, imposed by virtue of this Act, not herein before disposed of, shall and may be recovered in any court of record in this Province, by action of debt, bill, plaint or information, one half to his Majesty, to be disposed of by an order of the General Assembly for the time being, for the use of this Province, and the other half to the informer or other person that will sue for the same.

Act of March 20, 1718, repealed.

XXVI. *And be it further enacted* by the authority aforesaid, That one Act of the General Assembly, ratified the twentieth day of March, in the year of our Lord one thousand seven hundred and eighteen, and every sentence, paragraph and clause, and every matter and thing therein contained, are hereby declared to be repealed.

JA. MOORE, *Speaker*.

CHARLESTOWN, Sept. 19, 1721.

Assented to by FR. NICHOLSON, *Governour*.

NOTE.—Continued by Act of February 23, 1722, and April 17, 1725. Repealed by temporary Act No. 9, section 7.

At a General Assembly begun at Charlestown, the twenty-seventh day of July, in the seventh year of the reign of our Sovereign Lord George, by the grace of God, of Great Britain, France and Ireland, King, defender of the faith, &c. Anno Domini one thousand seven hundred and twenty-one.

No. 448. *AN ACT* FOR APPOINTING AGENTS TO GO TO ENGLAND TO SOLICIT THE AFFAIRS OF THIS PROVINCE.

Preamble.

WHEREAS, it is requisite and necessary that two persons duely qualified for that purpose, should be forthwith sent to Great Britain, to solicit the weighty affairs of this Province, and to represent and lay before his Majesty a true and impartial account of the state of this Province since the same has been happily under his Majesty's government, which cannot be effectually done but by one of the members of his Majesty's Council and one of the members of the Commons House of Assembly, who are well versed in the affairs of this Province; and whereas, the Hon. Francis Yonge, Esq. Chief Justice, and one of his Majesty's honourable Council, and John Loyd, Esq. one of the members of the present Commons House of Assembly, are thought every way qualified for the purpose aforesaid; may it please your most sacred Majesty that it may be enacted,

A. D. 1721.

I. *And be it enacted* by his Excellency Francis Nicholson, Esq. Governour, by and with the advice and consent of his Majesty's honourable Council and Assembly of this Province, That the said Francis Yonge and John Loyd, Esqs. be and they are hereby appointed agents for this Province, to go forthwith to England, to transact and solicit the affairs of the same, and to pursue and follow such instructions as they shall receive from the Governour, Council and Assembly, before their embarkation, or from the committee of correspondence, after their arrival in England.

II. *And be it further enacted* by the authority aforesaid, That the Hon. Arthur Middleton and Ralph Izard, Esqs. members of his Majesty's honourable Council within this Province, and Richard Allen, William Blakewey, Thomas Hepworth, Charles Hill, Esqs. and Mr. Andrew Allen, members of this present Commons House of Assembly, or any three of them, be and are hereby appointed a committee for corresponding from time to time with the said agents, and to give them such instructions as they shall think proper, (the General Assembly not sitting.)

III. And whereas, it is necessary, the better to enable the said agents to answer their mission, that their respective allowances should be advanced them immediately, that they may either take bills of exchange, or the produce of this Province, along with them; *Be it enacted* by the authority aforesaid, That it shall and may be lawful for the commissioners of the last year's tax to issue to the said Francis Yonge and John Loyd, Esqs. three thousand one hundred pounds, in any money bills of this Province, now in their custody, and they are by this Act directed and impowered to pay the same, according as by the Tax Act is likewise directed, any Act or Ordinance to the contrary in any ways notwithstanding.

IV. *And be it further enacted* by the authority aforesaid, That this Act be in force for one year from the ratification thereof, and no longer; provided, nevertheless, that it shall and may be lawful for the said Francis Yonge and John Loyd, Esqs. or either of them, to return to this Province at any time after they have executed their original instructions, and receive final answers in England relating to the same; any clause or paragraph in this Act contained to the contrary in any ways notwithstanding.

JA. MOORE, SPEAKER.

CHARLESTOWN, Sept. 19, 1721.

Assented to by FR. NICHOLSON, Governour.

AN ACT for Establishing County and Precinct Courts.

No. 449.

(Passed September 20, 1721. The original not now to be found.

See last volume.)

A. D. 1721.

No. 450. *AN ACT* FOR APPOINTING A PUBLICK TREASURER, AND OTHER PUBLICK OFFICERS.

FOR preventing all disputes which may arise for the future concerning the appointment of a publick Treasurer, we humbly pray your most sacred Majesty, that it may be enacted,

The right of nominating the Treasurer, Comptroller, and other civil officers, vested in the General Assembly.

I. *And be it therefore enacted* by his Excellency Francis Nicholson, Esq. Governour, &c. by and with the advice and consent of his Majesty's honourable Council, and the Assembly of this Province, and by the authority of the same, That from and after the ratification of this Act, the power, right and authority of nominating and appointing the Treasurer of this Province, Comptroller, Powder Receiver, and all other civil officers which now do or hereafter may receive a settled salary out of the publick treasury, shall always be and remain in the disposal of the General Assembly of this Province for the time being, who shall likewise by an Ordinance of both Houses, put out and put in place, from time to time, all such officers, according to their discretion; and the said Treasurer of the Province, and other publick officers hereby appointed or to be appointed, shall from time to time be accountable and called to account by each and either House of Assembly, and their bonds put in suit by the direction of either House, and without any power for the Judges of the Court where the action or suit is commenced, or for the Attorney General, or any other person, to enter a *Noli prosequi* or discontinuance, or delay the same, without the consent of both Houses of Assembly.

Persons appointed for said offices.

II. *And be it further enacted* by the authority aforesaid, That Alexander Parris, Esq. be and is hereby declared Treasurer of this Province, and John Brown, Comptroller, and Col. Michael Brewton, Powder-Receiver, and Hill Crofts and Jeremiah Millner, Waiters, and so shall continue, remain and be, until removed by the General Assembly as aforesaid; and that the officers aforesaid, and every of them, do enter into bond for the faithful execution of their office, and sign duplicates of the same, one of which shall be lodged in the Secretary's office of this Province, and the other to remain with the Speaker or Clerk of the House of Commons for the time being.

Governor and Council may fill vacancies.

III. *And be it further enacted* by the authority aforesaid, That in case any of the said officers shall happen to dye or go off this Province, the General Assembly not then sitting, it shall and may be lawful to and for the Governour and Council for the time being, to appoint a publick Treasurer, and any of the other officers herein named, in the room of him or them so dying or going off, until the next meeting of the General Assembly, and no longer.

Proviso as to members of the Council or House of Commons.

IV. *And be it further enacted* by the authority aforesaid, That no member of the Council, or member of the Commons House of Assembly for the time being, shall be publick Treasurer, Comptroller, or Powder Receiver.

A former Act repealed.

V. *And be it further enacted* by the authority aforesaid, That one Act entituled an Act declaring the right of the House of Commons for the time being, to nominate the publick Receiver, ratified the fifth day

of July, one thousand seven hundred and seven, and every clause, article and thing therein contained, be and is hereby repealed. A. D. 1721.

JA. MOORE, *Speaker*.

Charlestown, September the 20th, 1721.

Assented to by FR. NICHOLSON, GOVERNOUR.

NOTE---The Act alluded to in the last section is No. 259.

AN ACT FOR RAISING THE SUM OF SEVENTEEN THOUSAND TWO HUNDRED FORTY-EIGHT POUNDS AND SIX PENCE, ON LANDS AND SLAVES, FOR DEFRAYING THE CHARGES OF THE SEVERAL FORTS AND GARRISONS, DISCHARGING THE PUBLICK DEBTS, AND PROVIDING FOR THE OTHER EMERGENCIES AND CONTINGENT CHARGES OF THE GOVERNMENT. No. 451.

WHEREAS, the well being of this Province depends on due care to be taken for supporting the several forts and garrisons, discharging the publick debts, and providing for the emergencies and other contingent charges of the government, which by the nearest computation that can be made thereof, including the arrears from March last, will amount to the sum of Thirty-two Thousand Two Hundred Forty-three Pounds Nineteen Shillings and Six Pence; and whereas by a medium taken from the Publick Receiver's books, it has been computed that the duties arising by the exports and imports of this Province will amount to Seven Thousand Nine Hundred and Ninety-five Pounds Nineteen Shillings, which being appropriated towards discharging part of the said publick debts, will reduce the sum to be provided for this present year to Twenty-four Thousand Two Hundred Forty-eight Pounds and Six Pence: And whereas, it is proposed for the ease of the inhabitants, that the sum of Seven Thousand Pounds, part of the Fifteen Thousand Pounds Rice Bills now in the hands of the commissioners of taxes, be applied towards discharging part of the said sum of Twenty-four Thousand Two Hundred Forty-eight Pounds and Six Pence, which will reduce the sum to be provided for this present year, to Seventeen Thousand Two Hundred Forty-eight Pounds and Six Pence, we therefore humbly pray your most sacred Majesty that it may be enacted,

Preamble.

I. *And be it therefore enacted* by his Excellency Francis Nicholson, Esq. Governour, &c. by and with the advice and consent of his Majesty's honourable Council and the General Assembly of this Province, and by the authority of the same, That a tax of seventeen thousand two hundred forty-eight pounds and six pence be equally imposed and levied in manner following, that is to say, one sixth part on the real and personal estates, stocks and abilities of the several inhabitants of Charlestown, over and besides their lands and slaves in the country; and the other five-sixths on the several inhabitants of this Province living and residing without the limits of Charlestown plot, to be proportioned in manner following, viz: upon every one hundred acres of land the sum of five shillings, and the residue upon negro, Indian, mustee and mulatto slaves, from the age of seven years to the age of sixty, inclusive, of which age the hereafter named inquirers are hereby appointed to be judges.

£17,248 6d. imposed as a tax.

Enumeration of articles taxed.

II. *And be it further enacted* by the authority aforesaid, That the said tax of seventeen thousand two hundred forty-eight pounds and six pence, shall be paid on the second Tuesday of March, one thousand seven hun- To be paid in March, 1721.

A. D. 1721.

dred and twenty-one, unto the commissioners and assessors hereinafter for that purpose named.

Inquirers appointed.

III. *And be it further enacted* by the authority aforesaid, That for the several parishes of this Province, the several persons hereinafter named, viz : for the parish of St. Philips Charlestown, within the town plot, Capt. John Cawood and Mr. James De St. Julian; and for that part without the limits of said town plot, upon the neck in the said parish, Mr. Samuel West and Mr. Gilson Clapp; for Christ Church parish, Mr. George Hadrell, Mr. George Benson and Mr. Richard Waters; for St. Thomas and St. Dennis, Mr. Thomas Ashby, Capt. Robert King and Mr. Thomas Akins; for the parish of St. Johns and English Santee, Capt. Charles Colleton, Mr. Rene Ravenell and Mr. Peter Guerard; for the parish of St. James Goose Creek, Mr. Peter Porchee, Mr. John Sanders and Mr. John Moore; for the parish of St. Andrews and St. Georges, (viz :) for the south side of Ashly river, Mr. Robert Elliot and Mr. John Williams; for the north side of Ashly river, Mr. Thomas Smith and Mr. Robert Dews; for the head of the said river, Mr. Edward Arden and Mr. William Sanders; and for James Island, Mr. John Whitter and Mr. Thomas Hayward; and for the several parishes in Colleton county, viz : for the parish of St. Paul, that is to say, for Johns' Island, Capt. Thomas Ladson and Mr. Robert Godfrey; for Wadmelow Island, Mr. Joseph Brian and Mr. John Jervis; for Edisto Island, Mr. Thomas Grimball and Mr. John Fripp; for Stono and the Branches thereto belonging, Mr. Thomas Elliot, jr. and Mr. John Williamson; for the east side of Pon Pon, Capt. John Bee and Mr. Daniel Hendrick; for the Parish of St. Bartholomew, (viz :) for the west side of South Edisto river, Mr. Henry Jackson and Mr. Joseph Pecom; for Combahee, Chehaw, and Ashepoo, Mr. John Smily and Mr. John Edwards; for the parish of St. James's Santee in Craven county, Peter Perdrio, jr. Mr. James Guery and Mr. Jona Collins; for Wineau, Mr. William Furbush and Mr. John Hayes; for the Parish of St. Hellens in Granville county, Mr. William Hazard and Mr. Peter Parmentor—be and are hereby appointed inquirers, and are hereby impowered and required to take and make an account in writing, on or before the last Tuesday in January next, of all and every of the inhabitants of this Province, within the several parishes or precincts, upon their several oaths, of all the lands and slaves the said inhabitants are possessed of in this Province, and shall administer to each taxable inhabitant in their respective parishes or precincts, the following oath. You shall swear that the account you now give in, is a true and just account of all the lands and slaves, as well negroes as Indians, mustees and mulatoes, from the age of seven to the age of sixty years, which you are any ways possessed of, interested in or intituled unto in the parish or precinct where you now live or reside, or any other part of this province, either in your own right, or as executor, administrator, guardian or attorney to, or in trust for any other person or persons whatsoever, without any equivocation or mental reservation, so help you God. And the said inquirers are hereby required to make a return of the several accounts so by them taken, unto the said commissioners for receiving the said tax, on the last Tuesday in January next, who shall then meet to receive the same, at the house of Col. Michael Brewton in Charlestown, and shall then and there attend the said Commissioners, and answer upon oath all such questions as shall be asked them in relation to their accounts, and shall not depart thence till they are discharged by the said commissioners; and the said inquirers shall at the same time return and give in to the said commissioners, a just and true account of their own lands and slaves, and take the same oath *mutatis*

Oath to be taken.

To attend on the commissioners and make their returns.

mutandis, as they are directed to administer to the several inhabitants of their respective districts; and in case it shall so happen that any inquirer shall be hindered by sickness or other accident, so that he cannot repair to Charlestown to deliver in his return at the time prefixed to the said assessors, any one of the said inquirers of the same precinct shall, after affixing both their names to such his and their inquiries, and giving in the account of his own particular estates, swear the other to the truth of such return, and that no persons or his land or negroes hath been therein omitted to his knowledge, and the commissioners shall receive the same. A. D. 1721.

IV. *And be it further enacted* by the authority aforesaid, That every inquirer shall receive for his trouble, the sum of ten pounds current money, and the said commissioners for the said tax are hereby directed to discount the same in their several taxes. Each inquirer allowed £10 currency.

V. *And be it further enacted* by the authority aforesaid, That if any person or persons in giving or rendering an account of his and their lands or slaves to the inquirers aforesaid, shall voluntarily or wilfully conceal any part thereof, all such persons shall forfeit all and every part of such real and personal estate so concealed, the one half to his Majesty for the support of this Government, and the other half to the informer, to be sued for by the King's attorney general, by action of debt, bill, plaint or information, to be brought in any Court of Record in this Province, wherein no essoign or privilege, protection, imparlance or wager of law, shall be allowed or admitted of. Penalty on concealment.

VI. *And be it further enacted* by the authority aforesaid, That if any person or persons who shall be legally required by one of the inquirers of that parish or precinct in which he, she or they usually reside or inhabit, shall refuse to render an account of their lands or slaves, or shall refuse to be examined in manner as aforesaid, that then and in such case, the inquirer or inquirers of such parish or precinct shall according to their best information, knowledge or judgement, transmit the best account they are able of such persons estates, to the said assessors and commissioners, and certify such refusal to the assessors and commissioners aforesaid, who are hereby impowered and required to rate and assess all such persons doubly, in proportion to what other persons are rated and assessed at; any thing herein before contained, to the contrary notwithstanding. Penalty for refusing to render an account to the inquirers.

VII. *And whereas* divers planters and others living without the limits of the town plot in Charlestown, are possessed of divers town lots, messuages and tenements within the limits of the same, *Be it therefore enacted* by the authority aforesaid, That all such planters and others do likewise give in an account thereof to the inquirers of their respective precincts, and in what part of the town the same do lye, and the said inquirers shall return the same to the said assessors, who shall assess the said persons so interested therein, as if he or they were actually living and residing in Charlestown; and to prevent all disputes for the future concerning the value of lots without the gates of Charlestown, the said assessors and commissioners are hereby required to rate each of such lots, as also the improvements thereon, at such rate as they shall adjudge the same to be worth; and as to other town lots which lye in any other part of the country without the limits of Charlestown plot, the said inquirers shall make no inquiry or return thereof. Persons not living in Charlestown, but owning lots there, to render an account thereof to the inquirers.

VIII. *And be it further enacted* by the authority aforesaid, That the inquirers aforesaid, for the parish of St. Philips Charlestown, within the town plot, for the better direction in the premises, are hereby directed and ordered to inquire into and take an account in writing of all such

A. D. 1721.

Inquirers for the parish of St. Philip's to inquire into lots and property owned in Charlestown.

real and personal estates, negroes, stocks and abilities, of the said merchants and other inhabitants living and residing within the limits of the said town plot, which they shall be possessed of, interested in or intituled unto, (either in their own right or in the right of any other person as aforesaid) which are lying and being within the limits of the said town plot, and the same accounts to return to the said assessors at the same day, time and place in this Act given to the other inquirers, and that all and every merchant and other inhabitants living and residing within the limits of the said town plot, being possessed of any lands or negroes without the limits of the same, shall render an account thereof to the said inquirers for Charlestown; provided always nevertheless, that nothing herein before contained shall extend or be construed to give the said inquirers any power or authority to take an account of, rate, or assess any such goods, wares or merchandizes as shall be consigned immediately to any merchants or factors in this Province from the merchants of Great Britain and Ireland or elsewhere, to dispose of as factors only; and except also the effects of transient persons that have not resided within this Province three calender months before such inquiry shall begin to be made; and it is hereby declared that the several slaves belonging to the said inhabitants of Charlestown, which are most usually employed by their said respective masters in Charlestown, shall be reckoned and accounted as part of the sixth part of the said tax hereby apportioned to be paid by the said inhabitants of Charlestown, and that all and every slaves belonging to the said inhabitants of Charlestown, usually employed in the several plantations without the limits of Charlestown plot, shall be reckoned and accounted for as part of the country tax.

Goods consigned on commission.

IX. *And be it further enacted* by the authority aforesaid, That the store-keepers living and residing in the country, shall be rated and assessed by the said assessors, for their stores and stocks, after the manner of the assessment directed to be made on the inhabitants of Charlestown, and the moneys arising by the assessment of the said stores shall remain in the hands of the assessors till drawn out by an order of the General Assembly.

Remedy for persons over-rated.

X. *And be it enacted* by the authority aforesaid, That every person, as well the inhabitants of Charlestown, as store-keepers in the country, who shall have reason to believe he is over-rated for his stocks or stores, shall have liberty to swear off so much as he is over-rated, before the said assessors, who are hereby required to give six days notice inclusive for that purpose, at the publick watch-house in Charlestown, and the assessors aforesaid are hereby impowered to administer such oath accordingly.

Oath to be administered to the inquirers by the assessors.

XI. *And be it enacted* by the authority aforesaid, That the said assessors, upon receiving the returns of the inquirers for Charlestown, shall administer unto them the following oath: You, A. B. C. D. shall well and truly swear that the accounts you now give in is a just and true account of all the real and personal estates, stocks and abilities of the several inhabitants living and residing within the limits of Charlestown plot, according to the best of your knowledge and belief, so help you God.

XII. *And be it enacted* by the authority aforesaid, That the inquirers aforesaid, as well for the parishes and precincts without the limits of the said town plot as within the limits of the same, and also the said inquirers for Charlestown, shall at the same time of giving in their returns, give in and return unto the said assessors, under their hands, a just and true account of their own respective estates, and shall

take the same oath, *mutatis mutandis*, as they are hereby directed to administer to the rest of the inhabitants. A. D. 1721.

XIII. *And be it enacted* by the authority aforesaid, That the commissioners of the last assessment, viz: Col. John Fenwich, Major Thomas Heworth and Mr. Robert Tradd, be and are hereby appointed commissioners and assessors for assessing and receiving the aforesaid tax of seventeen thousand two hundred forty-eight pounds and six pence, two whereof shall be a quorum; and the said assessors for their better direction in the execution of this Act, are hereby required to rate and assess one sixth part thereof on the inhabitants of Charlestown as aforesaid, five shillings per hundred acres on land, and the remaining part to be equally assessed upon all slaves from seven to sixty years of age, to make up the said sum of seventeen thousand two hundred forty-eight pounds and six pence, by way of poll or so much per head, according to the numbers to them returned; and the said assessors are hereby required to meet at the house of Col. Michael Brewton, in Charlestown, on the last Tuesday in January next, and there to continue to carry on the said business, or from thence to adjourn to such other place in or near Charlestown, as they shall see fit.

A quorum of commissioners nominated.

XIV. *And be it further enacted* by the authority aforesaid, That the said assessors shall equally and impartially rate, assess and levy on the several inhabitants of Charlestown, the sum of one thousand and seventy-two pounds ten shillings, towards defraying the charges of Charlestown watch, over and besides the sixth part of the said general tax; and the said assessors are hereby required before they enter on the execution of their office, to take the following oath before any of his Majesty's justices of the peace, being then one of the said assessors, or otherwise. I, A B, do sincerely swear, that I will indifferently, equally and impartially rate and assess all and every person to me returned to be assessed by the inquirers for Charlestown, for that purpose appointed, according to the directions to me given by this Act, and according to the best of my skill and knowledge, so help me God.

Amount of tax to be levied on Charlestown.

Oath to be taken by the assessors.

XV. And whereas, the said inquirers have some times made mistakes in their returns, *Be it therefore enacted* by the authority aforesaid, That the said assessors shall not be tyed up so strictly to the returns of the inquirers, but that they may have liberty to proceed according to better information or knowledge; but if any person's tax shall not exceed the sum of five shillings, he shall not be inquired of, rated or assessed.

Assessors not to be rigidly bound by the returns of the inquirers.

XVI. *Be it further enacted* by the authority aforesaid, That the said assessors shall be allowed two and a half per cent. to be deducted out of the moneys which they shall receive in the said tax, over and besides the sums of money which they shall think fit to allow their clerks, which they are hereby impowered to choose and employ, in order to assist them in the execution of their office, and the said commissioners shall likewise deduct such sums of money as shall become due to the said clerks, out of the said bills which they shall receive in payment of the said tax of seventeen thousand two hundred forty-eight pounds and six pence.

Allowance to assessors.

XVII. *And be it further enacted* by the authority aforesaid, That every person so assessed and rated, shall pay to the said commissioners hereby appointed for that purpose, the several sums of money on them respectively rated and assessed, in bills of credit or orders drawn by the General Assembly, on the second Tuesday in March, which shall be in the year of our Lord one thousand seven hundred and twenty-one, or within fifteen days next after at farthest; and in case any person shall neglect or refuse to pay in his, her, or their tax, at the days and times herein before

Bills of credit may be paid in.

A. D. 1721.

Commissioners
may distrain
for tax in arrear.

mentioned, in or near Charlestown, at such place as the said commissioners shall for that purpose order and appoint, the said commissioners or any two of them are hereby required in six days after the respective times herein limited for the payment thereof, to levy the same by virtue of a warrant signed and sealed by the said commissioners or any two of them, who shall forthwith grant the same, and shall thereby empower the marshals or constables in each precinct, to call to their assistance, if occasion be, and in case of resistance to break open doors and make distress and sale of such person's goods and chattels, returning the overplus (if any be) to the owners, after reasonable charges deducted; but if no distress can be found by the constable, and the party refuses or neglects forthwith to shew them goods or chattels sufficient to satisfy the money then due, with reasonable charges, then the constable shall take the body of every such person and bring him or her to the common goal in Charlestown, and deliver him, her or them, to the marshal or keeper of the said goal, who shall detain him, her or them in safe custody, without bail or mainprize, until payment shall be made, and shall have power to break open doors in order to apprehend the body of such defaulter.

And collect
former taxes.

XVIII. *And be it further enacted* by the authority aforesaid, That the commissioners aforesaid shall have the like power for collecting and getting in all arrears of taxes, due by any former law, notwithstanding the same may be repealed by this Act.

XIX. *And be it further enacted* by the authority aforesaid, That all indentures or deeds of gifts, mortgages, sales, and assignments, of any lands or tenements, goods or chattels, of any person whatsoever, made with an intent to avoid his being assessed or paying the said tax, are hereby deemed and declared to be fraudulent and null and void, to all intents and purposes whatsoever.

Executors and
Administrators
liable.

XX. *And be it enacted* by the authority aforesaid, That in case any person shall happen to die between the time of giving in his account to the inquirers and the paying in of his tax to the said commissioners, and any goods or chattels of the deceased to the value of the said tax shall come to the hands of the executors or administrators, the said executors or administrators shall pay the same, or otherwise a warrant shall issue against the proper goods of such executors and administrators, or other persons to whose hands the effects of the deceased shall happen to come; and if any person after inquiry taken and before the payment of his tax, shall be about to depart this Province before the days of payment, the said commissioners shall grant a warrant for the same forthwith, notwithstanding the days of payment are not yet already come.

XXI. *And be it enacted* by the authority aforesaid, In case any person who has mortgaged his land or slaves, shall neglect or refuse to pay tax for the same, the mortgagee shall be answerable and subject to pay the sum so assessed on the mortgager, provided such lands or slaves are in the possession or occupation of such mortgagee.

Commissioners
may issue war-
rants for arrears
of former taxes.

XXII. *And be it further enacted* by the authority aforesaid, That the commissioners hereby appointed for receiving the present tax, at the request of any other commissioners of taxes heretofore appointed, by virtue of any Act or Acts of Assembly, notwithstanding such Acts now are or hereafter may be expired or repealed, shall and may from time to time, issue warrants for all arrears of taxes, and receive the same as often as need shall be.

XXIII. *And be it further enacted*, That all the said old bills of credit shall be current in all payments.

XXIV. *Be it further enacted* by the authority aforesaid, That the sum of four thousand pounds of the said bills of credit now out-standing, yearly and every year shall be called in and cancelled by a tax to be raised on lands and slaves, over and above the several sums of money to be yearly raised for the support of this government; the first payment to be made in twelve months after the Bank Act is expired. A. D. 1721.

Old bills of credit to be called in and cancelled.

XXV. *And be it enacted* by the authority aforesaid, That if any person or persons shall counterfeit any of the said bills of credit, or knowing any of them to be false or counterfeit, shall offer the same in payment, then and in such case, as well the counterfeiter as any one aiding or assisting him, her or them, in disposing thereof, knowing them to be counterfeit as aforesaid, and being thereof duly convicted, shall be deemed guilty of felony, and suffer as a felon without the benefit of clergy. Penalty on counterfeiting.

XXVI. *And be it further enacted* by the authority aforesaid, That every inquirer, assessor, commissioner, and every other magistrate and officer that shall neglect or refuse to do and perform the several matters hereby required of them respectively to be done and performed, shall for every such neglect or refusal forfeit the sum of one hundred pounds, to be recovered in any Court of record in this Province, by action of debt, bill, plaint or information, one half to his Majesty for the use of this Province, and the other half to him or them who will prosecute and sue for the same. Penalty on refusing or neglecting of duty.

XXVII. And to the intent that the execution of this Act may not be delayed by reason of any inquirers, assessors or commissioners dying, going off or refusing to act; *Be it further enacted* by the authority aforesaid, That the surviving inquirer or inquirers, commissioner or commissioners, shall appoint a fit person in the room of those dying, going off or refusing to act, who shall be subject and lyable, in case of neglect or refusal to act, to the same penalties as the other inquirers, assessors or commissioners are lyable and subject unto. In case of absence or death of inquirers or commissioners.

XXVIII. Whereas, it is computed that the duties arising by exports and imports of this Province, will amount to the sum of seven thousand nine hundred and ninety-five pounds nineteen shillings; *Be it therefore enacted* by the authority aforesaid, That the said sum of seven thousand nine hundred ninety-five pounds nineteen shillings, be appropriated and applied for the several uses next herein after mentioned, that is to say, to ministers, clerks, schoolmasters, and parochial charges, two thousand five hundred and fifty-five pounds; to lycence money paid the Governour, one hundred and twenty pounds; to beasts of prey, twenty pounds; to drawbacks, two hundred sixty-five pounds; to bounty vessels, one hundred and twenty pounds; to slaves condemned and shot, by calculation, one thousand pounds; to land waiters, eighty pounds; to Commissary General, for supplying stores for garrisons, two hundred pounds; to repairs of Johnson's Fort, by calculation, two thousand pounds; to arrears due to said Fort, five hundred pounds; to master armourer and gunner, three hundred and fifty pounds; to the Watch in Charlestown, three hundred fifty seven pounds ten shillings. And in case the said duties fall short to make up and discharge the said sum of seven thousand five hundred and ninety-seven pounds ten shillings, then the said publick Receiver is hereby required to make up the same out of the sum hereby granted for contingencies. Appropriation of the duties on exports and imports.

XXIX. And whereas, it is expedient to provide for the speedy payment of the sums by this Act appropriated, inasmuch as one half is already due, and the other half will become due before the tax hereby intended to be raised can be levied, and it will be necessary to draw orders for Appropriation of Rice bills in the hands of commissioners.

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payment thereof payable in the tax, or take some other effectual method for discharging the same; *Be it further enacted* by the authority aforesaid, That the Rice Bills now in the hands of the commissioners of taxes, be applied by the said commissioners towards discharging the sums hereby appropriated, and likewise to discharging the additional sum of six hundred pounds, to be paid the Agents appointed to solicit the affairs of this Province.

The said Rice
Bills to be cur-
rent.

XXX. *And be it further enacted*, That the said Rice Bills be current in all payments; and the said commissioners, to prevent any interest being allowed for the future on the said Rice Bills, shall before they issue out the same, indorse in red letters athwart the said bills, these words, *Interest already paid*; and the said commissioners be allowed one per cent. for issuing the said bills, and for their clerks.

Further appro-
priations, to be
paid by the
commissioners.

XXXI. *And be it further enacted* by the authority aforesaid, That there shall be likewise paid by the said commissioners, out of the said Rice Bills and such other bills as shall come into their hands: to the captain of Savana garrison, two hundred pounds; to the surgeon of the said garrison, at fifteen pounds per month, one hundred and eighty pounds: to charges of Congree garrison, viz. to the captain, two hundred pounds; to six men, at six pounds per month, four hundred and thirty-two pounds; to provisions, &c. for ten men, one hundred eighty-three pounds ten shillings: to the charges of Alatomaha fort, for six months, viz. to the captain, one hundred twenty-five pounds; to the lieutenant, seventy-five pounds; to the surgeon, ninety pounds; to two sergeants, one hundred and twenty pounds; to sixty men, at eight pounds per month, two thousand eight hundred and eighty pounds; to provisions, five hundred and eleven pounds: to purchase of three scout boats at Port Royal, and two at Alatomaha, two hundred and fifty pounds; to six months arrears to Port Royal scout, one thousand nine hundred and four pounds; to the Agents to be sent to England, two thousand five hundred pounds; to Clerk of the Market, thirty pounds; to Coroner's fees, twenty pounds; towards finishing the church, two thousand pounds; to the Rev. Mr. Guy, for the loss of a negro, two hundred pounds; to Mr. John Coleman, for his journey to the Creeks, &c. eighty pounds; to Col. Hastings, for maintenance of Indians, sixty pounds; to Col. Barnwell's bill of exchange drawn on the publick, three hundred and fifteen pounds; to Mr. Gibbon and Mr. Allen, account of Indian charges, &c. two hundred seventy-one pounds; to ditto for ditto, one hundred twenty-nine pounds seven shillings; to Robert Gillchrist, for Indians, twenty pounds twelve shillings and six pence; to Helena Mackay, forty-eight pounds ten shillings; to John Sheppard, for conveniences for the King's soldiers, twelve pounds ten shillings; for charges of taking up negroes at the Savana town, forty pounds; to fourteen months pay at the Savana garrison, eighty-four pounds; to the Hon. James Moore, for publick services, three hundred pounds; to Richard Allein, Esq. for ditto, one hundred pounds; to Col. Barnwell, for his extraordinary service in soliciting the affairs of this Province as agent in South Britain, five hundred pounds; to ditto Barnwell, toward his allowance as engineer, and other emergencies at Alamatha, five hundred pounds; to charges of Inquirers, Commissioners, Assessors, and their clerks, one thousand five hundred pounds; to Charles Hart, Esq. for publick services, three hundred pounds; to Mr. Tunley, Clerk of the Upper House, for his extraordinary trouble, two hundred pounds; to two Clerks and a Messenger of Commons House, by computation, five hundred pounds; to Col. Brewton's account, four hundred fifty-seven pounds ten shillings; to a press, for papers of the House, twenty pounds; to Jonathan Collins, the Pillot, one hundred and ninety

pounds; to contingent charges, seven thousand one hundred seventeen pounds ten shillings. A. D. 1721.

XXXII. *And be it further enacted* by the authority aforesaid, That one Act of Assembly intituled an Act for raising the sum of Seventy Thousand Pounds on lands and negroes, for defraying publick debts, sinking the publick orders, and for the calling in, cancelling and sinking the sum of Thirty Thousand Pounds, which is now standing out in bills of Credit, over and above the Bank bills, ratified in open Assembly the 20th day of February, 1718—and also one other Act of Assembly intituled an Additional Act for raising the sum of Seventy Thousand Pounds on lands and negroes, &c. and for discharging the publick debts, ratified the 13th day of February, 1719, and all other former Tax Acts, be and are hereby repealed. Two former Acts repealed

JAMES MOORE, *Speaker.*

CHARLESTOWN, Sept. 20, 1721.

Assented to by FRANCIS NICHOLSON, *Governour.*

NOTE.—Repealed by the Lords Justices in England, by their order in Council, August 1723. See post Act of February 15, 1723, for calling in and sinking the paper bills.

AN ORDINANCE OF THE GENERAL ASSEMBLY, APPOINTING THE No. 452.
[COMMITTEE OF CORRESPONDENCE, &c.]

I. *It is hereby ordained*, That the Hon. Arthur Middleton and Ralph Izard, Esq. two of the members of His Majesty's Council, and Richard Allein, William Blakewey, Thomas Hepworth, Charles Hill, Andrew Allen, Richard Beresford and John Barnwell, Esqs. members of the Commons House of Assembly, be a committee for corresponding with the Agents appointed to solicit the affairs of this Province in Great Britain. And the said committee are hereby impowered to prepare and agree upon all such further instructions as shall be thought needful for the publick service and welfare of this Province, to be added to those already agreed to in both Houses of Assembly. And the said Agents are hereby required carefully to solicit all such instructions, representations, memorials, and other publick papers relating to this Province, as from time to time shall be given to them in charge by the said committee. That four of the said committee (whereof the said Arthur Middleton or Ralph Izard, Esqs. be one) be a quorum to agree and sign such instructions, &c.

II. *And it is hereby further ordained*, That the Hon. James Moore, Esq. Speaker, during the recess of the Assembly, join with his Excellency Francis Nicholson, Esq. Governour, in signing all such addresses, letters or other publick papers, as shall be thought necessary to be sent to Great Britain for the service of this Province, and that Mr. William Tunnely, Clerk of the Council, and Mr. Nathaniel Partridge or Mr. Benjamin Dennis, Clerks of the Commons House, do attend his Excellency and the Speaker, and also the Committee of Correspondence, from time to time, to copy all letters, memorials, representations, addresses and instructions, during the recess of this Assembly; and that the committee of contingencies draw orders payable in the tax in March next, for paying the said Clerks.

JA. MOORE, *Speaker.*

CHARLESTOWN, Sept. 21, 1721.

Assented to by FR. NICHOLSON, *Governour.*

A. D. 1721.

No. 453. *AN ORDINANCE* OF THE GENERAL ASSEMBLY, APPOINTING COMMISSIONERS FOR DEFRAYING THE CHARGES OF INDIANS, &c.

I. *It is hereby ordained*, That the Hon. Ralph Izard and Benjamin De La Consequere, Esq. two of the members of his Majesty's Council, and Andrew Allen, Col. John Fenwick and Mr. Charles Hill, be and are hereby appointed to draw from time to time on the commissioners for receiving the tax in March next, out of the said tax, all such sums of money as from time to time shall be needful for defraying the expences of Indians removing down to the settlements, not exceeding one thousand pounds, current moneys; and three of the said committee be a quorum, whereof one to be of his Majesty's Council; and the said commissioners of the tax are hereby required to pay the same accordingly: And that the said committee have power to draw on the said commissioners of the tax payable in March next, for all such sums as shall become due for copies of journals of both Houses, and duplicate copies of the Laws passed this session, and duplicates and other publick papers to be sent home to Great Britain, not exceeding eight hundred pounds, including the sum of two hundred and fifteen pounds fifteen shillings, already allowed to the Honourable Charles Hart, Esq.

JA. MOORE, SPEAKER.

CHARLESTOWN, Sept. 21, 1721.

Assented to by FR. NICHOLSON, *Governour.*

No. 454. *AN ORDINANCE* OF THE GENERAL ASSEMBLY FOR APPOINTING A COMMITTEE FOR REVISING THE LAWS, &c.

FORASMUCH as it is necessary that the laws of this Province be revised with all convenient speed, and that proper persons be appointed for that purpose,

I. *It is hereby ordained*, That the Hon. Ralph Izard and Benjamin De La Consequere, Esq. two of his Majesty's Council, and Richard Allein, William Blakewey and Thomas Hepworth, Esqs. three of the members of the Commons House of Assembly, be and are hereby appointed a committee of both Houses, to revise all the Laws of this Province, and also the collection thereof made by Nicholas Trott, Esq., and also to revise the Journals of both Houses; and that three of them be a quorum, whereof one to be of his Majesty's Council, and to be assisted therein by his Majesty's Attorney General for the time being; and the said committee are hereby impowered to send for such persons, books, papers and records, as they shall think needful for revising the laws aforesaid, and to detain the same in their hands as long as it shall be requisite.

II. *And it is hereby ordained*, That the said Ralph Izard, Benjamin De La Consequere, Richard Allein, William Blakewey, and Thomas Hepworth, Esqs. be allowed one thousand pounds for them and their clerks, and the commissioners for receiving the tax in March, one thousand seven hundred and twenty, are hereby required to pay the same accordingly, as soon as they have completed the revising of the laws. And the said com-

mittee shall meet the first Tuesday in October next ensuing, at the house of Thomas Loyds, and from thence to adjourn from time to time, and to any other place they shall see fit; and in case of the death or absence, or refusal to act, of any of the said committee, the Governour, with the advice of the Council, is hereby impowered to elect such other of his Majesty's Council, or of the Commons House of Assembly, as they shall agree upon, who are hereby invested with all the powers as if they had been named in this Ordinance, who are to continue until the sitting of the next General Assembly, if they have not sooner finished the revising of the said laws.

A. D. 1721.

JAMES MOORE, SPEAKER.

CHARLESTOWN, Sept. 21, 1721.

Assented to by FR. NICHOLSON, *Governour.*

NOTE.—There is no record of proceedings under this Ordinance. One hundred and sixteen years have not lessened the necessity for a similar committee.

AN ACT FOR GRANTING TO HIS MAJESTY A DUTY AND IMPOSITION ON No. 455.
NEGROES, LIQUORS, AND OTHER GOODS AND MERCHANTIZE, IMPORTED
INTO AND EXPORTED OUT OF THIS PROVINCE.

WHEREAS, it is absolutely necessary to raise a fund and make provision for defraying the charges and expences of the Government; we therefore humbly pray his most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted* by his Excellency Francis Nicholson, Esq. Governour, by and with the advice and consent of his Majesty's honourable Council and Assembly of this Province, and by the authority of the same, That from and after the ratification of this Act, all and every the rates, dutys and impositions, hereafter mentioned and expressed, shall be laid, imposed and paid upon all negroes, liquors, goods, wares and merchandizes, hereafter specified and enumerated, for the use of his Majesty, which we humbly pray may be applied as this Act or any other Act of this Province shall direct, and to no other purpose whatsoever: That is to say—on every pipe of Madera wine, six pounds; on every pipe of Fayal wine, fifteen pounds; on every gallon of vinegar, two pence; on every gallon of rum, four pence; on every barrel of beer, ten shillings; on every barrel of syder, imported from the Northern colonies, ten shillings; on every gallon of molasses, three pence; on every gallon of lime-juice, four pence; on every quart bottle of brandy, rosa solis, and other spirits, (rum excepted,) six pence; on every gallon of the same, imported in cask, two shillings; on every hundred weight of brown or muscovado sugar, two shillings and six pence; on every hundred weight of white clayed sugar, five shillings; on every pound of refined sugar, three pence; on every hundred weight of cocoa, fifteen shillings; on every pound of chocolate made up, seven pence half penny; on every hundred weight of tobacco, imported from any of the American Plantations, fifteen shillings; on every hundred weight of butter, ten shillings; on every hundred weight of cheese, five shillings; on every hundred weight of candles, ten shillings; on every hundred weight of tallow, seven shillings and six pence; on every hundred weight of salt fish, five shillings; on every barrel of herrings, mackrell, or other pickled fish, ten shillings; on every barrel of pork,

Specification of
taxable articles.

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thirty shillings; on every barrel of beef, ten shillings; on every barrel of cranberries, ten shillings; on every barrel of train oil, seven shillings and six pence; on every barrel of blubber, five shillings; on every hundred weight of brown biskett, one shilling and three pence; on every hundred weight of white biskett, two shillings and six pence; on every half barrel of flour, two shillings and six pence; on every hundred weight of hams and bacon, ten shillings; on every hundred weight of soap, ten shillings; on timber, plank, boards and other lumber, imported from any of the American plantations, fifteen per cent. on the prime cost; on every horse and mare, five pounds; on all negro slaves imported from Africa directly, or any other place whatsoever, if above ten years of age, ten pounds; on all negroes under ten years of age, (sucking children excepted,) five pounds—and in case of any dispute about the age of such negroes, any two Justices of the Peace are hereby declared to be judges, and the said Justices are hereby required to certify their judgment, under their hands, to the publick Receiver accordingly, by which judgment he shall impose the aforesaid duties;—on all Indians imported, twenty pounds; on all deer skins imported, six pence a skin; on every barrel of pitch and tarr imported, ten shillings; on scraped ginger, ten shillings per hundred; on every hundred weight of scalded ginger, two shillings and six pence; on every pound weight of aloes, six pence; on every hundred weight of ginn'd cotton, ten shillings; on every hundred weight of the cotton in the stone, two shillings and six pence; on every cagg of pickled sturgeon, two shillings and six pence; on every cagg of pickled salmon, two shillings and six pence; on every pound of preserves, sweetmeats and sucketts, three pence per pound; on every pound of spermaceti, two shillings and six pence; on every gallon of spermaceti oyle, five shillings; on every hundred weight of beeswax, ten shillings; on every hundred weight of myrtle wax, seven shillings and six pence; on every bushel of pease and Indian corn, twelve pence; on every pound of indigo, twelve pence; on every barrel of onyons, five shillings; on every barrel of apples or pears, two shillings and six pence; on every pound weight of whalebone, twelve pence; on all sorts of wooden ware, bowls, platters, &c. and ship chandry ware, five pounds per cent. prime cost: the said duty of five pounds per cent. and the aforesaid duty of fifteen per cent. to be rated and valued on the prime cost from the place where such goods were last brought, on the invoice produced by the importer to the comptroller, and the said importer shall take his corporal oath before the said comptroller, that the invoice that he produces is not less than the true and real cost of the said goods at the last place of exportation, to the best of his knowledge. *On goods Exported:* on every pound of tanned leather exported, one penny; on every side of neats leather, two shillings and six pence; on every tanned calf and deer skin, one shilling; on every raw hide, five shillings; on every Indian drest deer skin, a pound and upwards, three pence; on every Indian drest deer skin not weighing a pound, one pence halfpenny; on every raw deer skin, three pence. Provided always, that all the aforesaid enumerated goods and other wares and merchandize, as are of the produce and manufactory of Great Britain and Ireland, or other goods lawfully exported from thence per cocketts or certificates, whether the said goods be imported into this Province directly from thence, or by way of any of his Majesty's British plantations in America, the same being certified by the proper officers residing in such colonys or plantations from whence the said goods shall be exported, are hereby declared to be free from all manner of duty whatsoever, except such dutys as are laid by an Act entitled an Act for carrying on the building, finishing and compleating the

Certain goods
exempt from
duty.

Brick Church in Charlestown, and declaring it to be the Parish Church of St. Philp's Charlestown, ratified in open Assembly the ninth day of December, one thousand seven hundred and twenty, and every clause and article therein containd, are hereby confirmed and declared to be of full force and virtue, which said duty shall be levied and recovered as in the aforesaid Act is directed.

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II. *And be it further enacted* by the authority aforesaid, That every master or commander of every ship or vessel arriving in the harbour before Charlestown, shall within forty-eight hours after bringing the said ship or vessel to an anchor, deliver in writing to the Comptroller a manifest upon oath of all such negroes, liquors, goods, wares and merchandizes whatsoever, as shall be imported in such ship or vessel, with marks and numbers, and to whom consigned, upon the penalty of fifty pounds, to be recovered and disposed as is hereafter directed.

Masters of vessels to deliver in a manifest on oath to the Comptroller.

III. *And be it further enacted* by the authority aforesaid, That any person or persons whatsoever that shall transport themselves with their negroes, mullattoes, mustees or Indian slaves, (Spanish Indians excepted,) into this Province, or send such slaves before them, with an intent to settle here, in such case all such person or persons whatsoever shall enter the number of his or their slaves so imported, with the Comptroller, who at the time of such entry is hereby required and impowered to administer an oath to the importers or owners thereof, that in case he or they so importing any negroes, mullattoes, mustee or Indian slaves, (except as is afore excepted,) have not imported them with an intent or design to sell or dispose of any of them, and further make oath that if within 12 months after his or their arrival into this Province, he or they shall make sale of the said slaves or any of them, and any of the said slaves shall be sold by his or their knowledge, privity or procurement, and not otherwise, he, she or they shall and will pay to the publick Receiver the full duties of all such slaves so sold as is above mentioned by this Act.

Persons coming with slaves into this Province, shall make entry of them.

IV. And whereas, it has proved to the detriment of some of the inhabitants of this Province who have purchased negroes imported here from the Colonies in America, that they were either transported thence by justice or sent off by private persons for their ill behaviour or misdemeanours; to prevent which for the future, *Be it enacted* by the authority aforesaid, That all negroes imported in this Province from any part of America, after the ratification of this Act, above ten years of age, shall pay unto the publick Receiver as a duty, the sum of thirty pounds current money of this Province, for six months after the ratification of this Act, and after the expiration of the said six months, fifty pounds; and all such negroes under the age of ten years, sucking children excepted, the sum of five pounds of like current money; unless the owner, importer or factor shall produce a certificate from under the hand of any Justice of the Peace residing in such of the colonies or plantations from whence such negroes came last, before whom it was proved on oath that the same are new negroes, and have not been six months on shoar in any part of America. Provided, nevertheless, that such person or persons not producing a certificate as above directed, shall have the liberty of six months time to send for and obtayn such certificate; and if he or they shall within the said six months produce to the Comptroller of this Province such a certificate as aforesaid, or if any master or mate of any such ship or vessel, merchant or factor, or other person importing negroes into this Province from the Colonies or any other parts of America, cannot produce a certificate as is in this clause above directed, it shall and may be lawful for the Comptroller of this Province to take the oath of such master, mate, merchant or factor, or any

Duty of £30 on imported slaves from other Colonies.

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Comptroller
may exact an
oath in case of
new negroes
Imported.

Forfeiture in
case of fraud.

Certificate to
be produced
on importing
Madera wine.

Also that the
said Madera
wine has not
been adultera-
ted.

other person importing such negro or negroes, that the same are new negroes, and have not been on shoar six months in any part of America ; which if such proof be made pursuant to the intent and meaning of the said clause, then and in either of the cases herein above mentioned, the importer or importers shall not pay any more dutys for the said negroes than is by this Act imposed and payable for negroes imported directly from Africa. And in case it shall be discovered that such negroes which by certificate or oath as aforesaid are alledged to be new negroes have been resident in the islands or any part of America above six months, then such importer shall forfeit the sum of one hundred pounds for every such negro, to be recovered by action of debt, bill, plaint or information, in any Court of Record of this Province, and one half to the informer, and the other half to the publick Receiver, for the use of the publick.

V. *And be it further enacted* by the authority aforesaid, That any person who shall import into this Province any wine from the Island of Madera, shall at the time of such importation produce a certificate to the Comptroller from the lader or shipper of such wines on board the ship or vessel importing the same, attested under the hand and seal of the consul or his deputy of the aforesaid Island, that all the wines laden on board such a ship or vessel, are of the growth and produce of the said Island, otherwise the said wines shall be deemed and taken as wines of the growth of the Western Islands, and pay the duty accordingly. Provided always, that such person or persons neglecting to produce a certificate as above directed, shall have liberty of twelve months to send for and obtain the same; which when obtained and produced to the Comptroller in the time aforesaid, the said importer shall only pay such dutys as Madera wine pays, having upon importation paid down the duty for Madera wines, and given security to the publick Receiver to pay the duty for wines of the growth of the Western Islands, if they do not produce such certificate in the time aforesaid.

VI. And for the more effectual prevention of the importation into this Province of any wines of the growth of Fayal, or any other of the Western Islands, from New England or any other of his Majesty's Plantations in America, and uttered and sold as wines of the growth of Madera; *Be it enacted* by the authority aforesaid, That the master of every such ship or vessel shall produce a certificate from the person who shall ship the said wines, that the wines he shipped are of the growth and product of the said Island of Madera, and that the said wines have not in any manner of ways been adulterated since they were landed in the said place, which certificate, being sworn to by the said shippers, shall be produced at the time of such importation, and shall be attested under the hand and seal of the collector or naval officer in the said place where such wines were shipped, and if consigned to the master or to a merchant coming in the said ship or vessel, or to any merchant living and residing in this Province for disposing of the said wines, the person who enters the said wines shall, besides such certificate, before the landing such wines, take the following oath before the Comptroller, who is hereby impowered to administer the same: I, A B, do swear that the wines I do now import have not been any ways adulterated since they came into my custody or on board my ship or vessel, and that to the best of my knowledge they are of the growth of the Island of Madera—so help me God. And all persons that shall refuse to take the said oath, they importing any wines, the wines so imported shall be deemed as wines of the Western Islands, and pay duties accordingly.

VII. *And be it further enacted* by the authority aforesaid, That every master of any ship or vessel, merchant or other, importing any of the aforesaid goods on which an imposition is laid, shall before he or they shall break bulk, make a general entry or manifest of his lading, which signed by him, he shall deliver to the Comptroller on oath, containyng the marks and numbers, with the name of the master and vessel importing the same, one of which said entries shall by the Comptroller be filed and entered in a book by him kept for that purpose, the other two entries signed by the said Comptroller, shall be delivered to the Treasurer of the Province, who shall sign and file one of them, and also endorse the third entry, certifying that the several duties therein contained are paid; and the Treasurer is to deliver or send the third entry to one of the waiters, as a permit for landing of the said goods, and the said waiters are to give notice thereof to the master of any vessel therein concerned; and the said waiter or waiters are to keep a regular file of all such entries and permits so transferred to them by the Treasurer, to be perused by his Majesty's Council or a committee of the Commons House of Assembly, upon the examining and settling the publick accounts.

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A manifest to be delivered by the master before he breaks bulk.

VIII. *And for the better collecting the duty of goods exported, Be it further enacted* by the authority aforesaid, That every person whatsoever intending to ship or export any goods, wares or merchandizes, lyable to pay duties, shall before the shipping of the same, three entries make, containyng the marks, numbers and contents, with the name of the master and vessel, with the place they are bound to, to the Comptroller deliver, on his or their corporal oaths, who is hereby impowered and required to give the same, that the entries are an exact account of all such goods intended to be shipped as aforesaid; and the said entries are to be filed, delivered and transmitted in such manner and form as is above directed for entries of goods imported; and the master or owner of every vessel on which such goods are exported, shall upon his oath a true and general report of all goods shipped on board the said vessel to the Treasurer and Comptroller return, before he departs this port or have a permit for the same; and the powder Receiver is hereby required and commanded not to permit any vessel to depart this port until the Treasurer shall first grant to him a permit for the same.

Three entries required from an exporter, on oath.

IX. *And to the end that the rates and dutys laid and imposed on liquors, goods and merchandize, may be better and more speedily collected by the Treasurer, Be it enacted* by the authority aforesaid, That from and after the ratification of this Act, all sums of money payable to the Treasurer for any negroes, liquors, goods and merchandize exported out of and imported into this Province, shall be paid by the exporter or importer before the same be put on board or taken from on board of any vessel whatsoever, in order to be exported out of or imported into this Province: the duty of negroes only excepted, that shall be imported by merchants who are actually resident in this Province, which said merchants shall not be lyable to pay the said duty on such negroes so imported in less than three months after such importation, if they desire that time for forbearance, provided they pass notes payable to the Treasurer, to pay the said dutys at the expiration of three months as aforesaid; and that all transitory factors shall have the same liberty, upon their entering into bond to the Treasurer with sufficient sureties, being inhabitants of this Province, that they will pay the said dutys in the time aforesaid, or sooner if they depart the Province. And the Treasurer is hereby required not to deliver any permits for the shipping on board or landing on shoar any of the said negroes,

All duties to be paid before articles are put on board or on shore.

A.D. 1721.

furs, liquors, goods and merchandize, for which said duties are due and payable, until the said dutys are actually paid, the dutys on negroes imported, as aforesaid, only excepted.

Master of a vessel may detain goods, &c. to secure the duties.

X. And for the more effectual preventing any frauds, &c. *Be it enacted* by the authority aforesaid, That as well the master of every ship or vessel importing any negroes, liquors, goods and merchandizes, or any merchant or other person or persons whatsoever who shall sign entry or entries of any negroes, liquors, goods and merchandizes, shall (at the choice of the Treasurer) be lyable to pay the duty for such and so much thereof contained in the master's manifest or in any entry or entries so made by any merchant or merchants or any other person whatsoever, in case the duty shall not be duely paid by the said master, merchant, or other person whatsoever entering the same. And it shall and may be lawful to and for the master of every ship or other vessel to secure and detain in his hands, at the owner's risque, all such negroes, wines, liquors, goods and merchandizes, imported in such ship or vessel, until he be certified by the Treasurer that he has secured the dutys according to this law, and until the Treasurer shall grant a permit for landing the same; or such master may shew such negroes, liquors, goods, wares or merchandize, to the Treasurer, who is hereby impowered to seize them, and to sell at publick vendue so much of the said goods as will pay the said dutys, in case the said dutys are not paid in fifteen days after the day of seizure, and shall return the rest of the said goods and the overplus of the money, if any there be, to the owner or proprietor of the said goods or to the persons to whom the said goods are consigned; the Treasurer deducting his reasonable charges of storage and other common incident charges, and until he be repaid his necessary charges in securing the same.

Comptroller to give bond in £1000.

XI. *And be it further enacted* by the authority aforesaid, That the Comptroller that shall be from time to time nominated by an Act of the General Assembly shall, and is hereby required, before his entry upon the execution of his said office, to enter into bond to his Majesty, his heirs and successors, in the sum of one thousand pounds, for his faithful execution of his said office, according to the several powers, authorities, limitations and restrictions by this Act prescribed.

Masters of vessels to make oath that they have not privately landed any goods.

XII. *And be it further enacted* by the authority aforesaid, That at such time as the master of any vessel doth make his general entry or manifest with the Comptroller, he shall make oath that he hath not put on shoar in the port of Charlestown, or in any other port, river or creek in this part of this Province, or put into any boat or vessel in order to the landing, any negroes, liquors, goods, wares or merchandize herein before rated, before his or their general entry; and if any master of any ship or vessel, merchant, factor, mariner, or any other person whatsoever, shall transgress in any thing aforesaid, the said negroes, liquors, goods, wares or merchandizes, so put on shoar, or put into any boat or vessel in order to the landing the same, shall be forfeited and condemned in manner and form as is hereafter provided. And all manner of persons are hereby required to be aiding and assisting to the said Treasurer, Comptroller, Waiters, or any of their agents, informers, discoverers or seizers, in case of their meeting with opposition in the actual seizing all the negroes, liquors, goods, wares and merchandizes, unladen or landed contrary to the true intent and meaning of this Act, under the penalty of twenty pounds, to be levied, recovered and disposed of to such uses as other forfeitures accruing by this Act are ordered and appointed.

XIII. *And be it further enacted* by the authority aforesaid, That the two persons that shall be nominated by an Act of the General Assembly shall be,

and they are hereby appointed, the public waiters, guagers and searchers, to execute all such powers and authorities as are given them by this Act, and shall daily give their attendance at the several wharfs and landing places in Charlestown, and at all such times and places as they shall be ordered and directed by the Treasurer and Comptroller for the time being, and to follow and observe such orders and instructions as shall be given them by the said Treasurer or Comptroller, and to be aiding and assisting to the said Treasurer and Comptroller in all matters and things for or relating to the execution of this Act; and if the said waiters or any of them shall neglect, refuse or make default in any of their duties enjoined them by this Act, then he or they making such default shall forfeit the sum of one hundred pounds, to be recovered and disposed of as hereafter mentioned; and each of the said waiters shall be allowed the sum of forty pounds yearly, to be paid to each of them at the end of every quarter, and so for a lesser and greater time, out of the publick treasury, and the Treasurer is hereby ordered to pay the same accordingly; and the said waiters shall be accountable to and displaced by the General Assembly.

A. D. 1721.

Public waiters,
guagers and
searchers, to be
appointed.

XIV. *And be it further enacted* by the authority aforesaid, That no master of a vessel coming from any of the British or foreign plantations, shall unload or put on shoar any negroes, liquors, goods, wares or merchandizes, but in the day time, between sun rising and sun setting, under the penalty of having all such negroes, liquors, goods, wares or merchandizes seized and forfeited, in manner and form as is hereafter provided.

No goods to be
unladen but in
the day time.

XV. And whereas, several frauds and deceits are daily committed by the liberty taken by the masters, owners, supercargoes or other persons belonging to any vessel, by selling goods on board by retail or wholesale; for the preventing thereof for the future, *Be it enacted* by the authority aforesaid, That from and after the ratification of this law, no master, owner, supercargo, or any other person whatsoever, shall keep store or shop on board any vessel that shall come to this Province, or sell goods on board by retail or wholesale, (salt and corn excepted,) under the penalty of having all such goods, liquors, wares and merchandizes forfeited as aforesaid, as likewise over and above the sum of forty pounds current money, to be recovered as is hereafter directed and appointed.

No goods to be
sold on board of
a vessel.

XVI. And for the preventing disputes that may arise between the importer of liquors and the Treasurer, Comptroller or Waiters, *It is hereby declared*, That the importer shall, without guaging, be allowed ten per cent. for leakage, upon his invoice and entry made as aforesaid; but if the owner or importer shall suspect his leakage to be more than ten per cent. then the waiter or waiters shall gauge the same, and such leakage, if entered with the Comptroller, and not otherwise, shall be allowed accordingly. And if at any time the waiter or waiters aforesaid shall suspect that any cask or hogshead holds out to a greater quantity than it is entered for, then they shall gauge or weigh the same, and if it holds out more as aforesaid, then the importer shall pay the surplusage of the duty and for the guaging or weighing of each cask or hogshead, to the waiter the sum of fifteen pence, and also make a new entry with the Comptroller for such overplus, as is before directed.

10 per cent.
allowed for
leakage.

XVII. *And be it further enacted* by the authority aforesaid, That if any skins and tanned leather, &c. of the growth of this Province, shall be put on board any ship or vessel before due entry made as aforesaid, all and every the said skins, tanned leather, raw hides, &c. so put on board as aforesaid, are hereby declared forfeited, and to be recovered and disposed of to such uses as other forfeitures accruing by this Act are appointed and ordered.

No skins or furs
to be put on
board before
entry made.

A. D. 1721.

Search warrant
may be granted
if applied for
within three
months.

XVIII. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for the Treasurer, Comptroller, or the Waiters, his or their agents or informers, by virtue of a warrant from any Justice of the Peace to that purpose first obtayned, with one or more constables, to search all manner of cellars, warehouses and shops, and the same may break open in the day time, if the owners refuse to suffer them to enter, for all such negroes, liquors, goods, wares and merchandizes, as they or any of them shall be informed were carried there to be concealed, contrary to the true intent and meaning of this Act; and such negroes, liquors, goods, wares and merchandizes, shall be forfeited, in manner and form hereafter mentioned, provided the same is seized in three months after the offence is committed.

The officers
may board any
vessel, and
break open
locks, if need
be.

Penalty for
resistance.

XIX. *And be it further enacted* by the authority aforesaid, That the Treasurer, Comptroller or Waiters be enabled and authorized, and they are hereby enabled and authorized, to go and enter on board any vessel or vessels, in the day time, and make search in all places and parts therein, and if need be, to break open any locks or chests, casks, bales, or other things whatsoever, if denial be made of opening the same, and there seize and from thence bring on shoar all skins, tanned leather, raw hides, &c. whereof due entry hath not been made; and the said Treasurer or his deputy, the Comptroller or Waiters, are hereby enabled and authorized to do all other lawful matters and things which may tend to secure the true payment of the duties payable on the same; and if any person or persons shall forcibly resist, encourage or assist any person or persons to oppose or hinder the Treasurer or his deputy, the Comptroller or Waiters, in the due execution of this Act, then and in such case every person for such offence shall forfeit and pay the sum of one hundred pounds, to be recovered and disposed of in such manner and form as is herein after mentioned.

Drawback on
re-export.

XX. *And be it further enacted* by the authority aforesaid, That if any of the aforesaid liquors, goods or merchandizes, or any negroes, be landed and afterwards exported, within six months after the importation thereof, and not otherwise, the Treasurer for the time being shall discount or repay to the owners or their assigns, three fourth parts of the duties of the said negroes, liquors, goods and merchandizes, according to the rates before mentioned, if he or they so exporting the same do (before the said vessel sails hence in which the said negroes, liquors, goods and merchandizes are so reshipped) make oath before the Treasurer, who is hereby empowered to administer the same, that the said negroes, liquors, goods, wares and merchandizes were imported within the time limited, and paid duties as aforesaid, and the name of the ship or vessel and master in which they were imported, that the Treasurer shall then grant a permit to transport the same, the exporter first entering with the Comptroller the quantity of the said goods, negroes and merchandize, so exported.

The Treasurer
to be publick
receiver.

XXI. *And be it likewise enacted* by the authority aforesaid, That the person that shall be nominated and appointed Treasurer of this Province by an Act of the General Assembly, is hereby appointed receiver of all dues, penalties and forfeitures, growing due or payable to his Majesty for the use of the publick by this Act, and an account thereof shall fairly keep and render from time to time, as often as he shall be thereunto required by his Majesty's Council or the Commons House of Assembly, as aforesaid, and shall be lyable to all the oaths, bonds, restrictions, fines, forfeitures and penalties, and shall take and receive all such fees, perquisites and profits, as by this Act is hereafter given.

XXII. *And be it further enacted* by the authority aforesaid, That the person to be appointed Treasurer of this Province as aforesaid, and who pursuant thereto shall take upon him to execute the said office, such person shall immediately, before the General Assembly of this Province, take the following oath, viz. I, A B, appointed Treasurer of the Province of South Carolina, will truly and faithfully discharge the trust reposed in me as Treasurer of the same; I will not issue, dispose or apply, or cause to be issued, disposed or applied, any money that may hereafter come into my hands as Treasurer aforesaid, otherwise than is or shall be directed by this or any other Act or Acts or written orders of the General Assembly of this Province; and I will keep true and faithful accounts of all the moneys or effects that is or may come into my hands or possession, and that shall be issued and paid by me by virtue of any such Acts or orders, with the times of my receiving and paying the same—so help me God. And if he shall neglect to take the said oath before he enters on the execution of his said office, he shall forfeit to the publick the sum of one thousand pounds, to be recovered against him by action of debt, in any court of record within this Province. And the said Treasurer, likewise, for the better security of the publick revenue, shall immediately enter into bond to his Majesty, his heirs and successors, in the penal sum of five thousand pounds current money, for the use of the publick, and shall sign two bonds of the same tenour and date, one of which bonds shall remain in the Secretary's office of this Province, and the other with the Speaker or Clerk of the Commons House of Assembly.

A. D. 1721.

Treasurer's
oath.£1000 penalty
on neglect.And shall give
bond in £5000.

XXIII. *And be it likewise enacted* by the authority aforesaid, That if the said Treasurer for the time being, shall dye, depart this Province, or cease to be Treasurer, the Assembly not sitting, then and in such case, and not otherwise, the Governour for the time being, with the advice and consent of his Council, by a warrant under his hand and seal, shall empower and appoint a Treasurer, and him so empowered and appointed shall continue six months or to the next sitting of the Assembly, and shall have the same powers, perquisites and profits, and be under the same directions, and be subject to the same penalties, fines and forfeitures, as if he had been nominated by the General Assembly; which person so nominated and appointed, shall give the like bonds, with the like sufficient security, and take the same oath, as is herein before prescribed and directed to be taken by the Treasurer.

The case of
Treasurer
dying or
absenting.

XXIV. *And be it further enacted* by the authority aforesaid, That in all and every such like case or cases, wherein a Comptroller of the customs of the Province shall be wanting, as in the next above mentioned clause is set forth with relation to the treasurer, then and in every such case the said new Comptroller shall be appointed by the Governour, and give bond in the sum of one thousand pounds to his Majesty, his heirs and successors, for the faithful execution of his said office, and shall continue in the same until removed by a vote of the Commons House of Assembly.

Case of a new
Comptroller
wanted.

XXV. And for the more easy and regular dispatch of all persons concerned in the entering and clearing of vessels, and other business relating to the publick duties, *Be it further enacted* by the authority aforesaid, That the Treasurer and Comptroller shall upon every day of the week, Sundays and holydays excepted, give their attendance in Charlestown, at their separate offices, for and during the space of three hours in the forenoon, that is to say, from the hour of nine to the hour of twelve; and if the Treasurer or Comptroller shall neglect doing their duty as aforesaid, they so neglecting shall forfeit the sum of ten pounds for every such their

Office hours of
attendance
from 9 to 12.

A D 1741.

Mode of recovering fines and forfeitures.

neglect or not attending as herein before directed, to be recovered and disposed as is hereafter mentioned and prescribed.

Onus probandi to lie upon the claimant.

XXVI. *And be it further enacted* by the authority aforesaid, That all and every the respective fines and forfeitures under forty shillings sterling, or ten pounds current money of this Province, which shall accrue and become due by virtue of this Act, shall be recovered as in the Act for the speedy recovery of Small Debts, and all the several fines and forfeitures above forty shillings sterling, or ten pounds current money, shall and may be sued by action of debt, bill, plaint or information, in any court of record within this Province, wherein no essoign, privilege, protection or stay of prosecution, by *non vult ulterius prosecui* or otherwise, shall be admitted or allowed; and the several and respective forfeitures that shall be recovered by this Act, shall be and remain for and to the use of the publick of this Province. And if any of the negroes, liquors, skins, goods, wares or merchandize aforesaid, be seized for an offence committed against this Act, if the property be claimed by any person or persons as the importer or exporter thereof, the *onus probandi* shall lie upon the owner or claimer thereof, and it shall not be incumbent on any prosecutor or informer.

Vessels making more than two trips in a year.

XXVII. And whereas, sundry vessels trading from other of his Majesty's plantations do make several voyages here in one year, and are obliged every voyage to pay all port charges, which is a discouragement to trade; *Be it enacted* by the authority aforesaid, That if any vessel trading to and from this port to any place or port, shall happen to make more voyages than two within the space of twelve months, the said vessel or vessels shall, for all voyages above two so made in the compass of twelve months, pay no other port charges than only the Governour's and Secretary's fees.

Money received under this Act to be applied to the public debts.

XXVIII. *And be it further enacted* by the authority aforesaid, That all and every sum and sums of money that shall become due and arising by virtue of this Act, shall be appropriated, ordered and disposed of towards paying debts due by the publick, and all other contingent charges of the government as shall be ordered and directed by any Act, order or ordinance of the General Assembly, and for no other use whatsoever.

Fees of the Treasurer and Comptroller.

XXIX. And whereas, it is necessary, in order to prevent the Treasurer and Comptroller extorting from the inhabitants exorbitant fees, that their said fees should be ascertained; *Be it therefore enacted* by the authority aforesaid, That for every entry of goods imported, the person entering the said goods shall pay unto the Treasurer the sum of two shillings and sixpence, and to the Comptroller the sum of five shillings, for each entry inwards, and likewise for all entries of goods lyable to pay country duties outwards, five shillings for each entry; and every master of a vessel taking out from the Treasurer a certificate of his having cleared with him, shall pay unto the said Treasurer the sum of five shillings. And if the said Treasurer or Comptroller shall demand or take more than the above recited fees, he or they shall forfeit for every such offence the sum of ten pounds current money of this Province, to be recovered in such cases as before directed.

Oath to be taken by the Comptroller and Waiters.

XXX. *And be it further enacted* by the authority aforesaid, That the Comptroller and each of the Waiters belonging to the customs of this Province shall, before they take upon them the discharge of their respective offices, before any Justices of the Peace, take the following oath, *mutatis mutandis*, viz. I, A B, do sincerely swear, in the presence of Almighty God, that I will faithfully discharge my trust as Comptroller, or Waiter, of the customs of this Province, and to the best of my power, without favour or affection, put in execution all and every thing in this Act

enjoyed me as Comptroller or Waiter—so help me God: as also the oaths appointed by law, as the Treasurer by this Act is appointed to do. A. D. 1721.

XXXI. *And be it further enacted* by the authority aforesaid, That the Treasurer shall, out of the same dutys so to be paid to him, have and receive to his own proper use five pounds per cent. for all moneys he shall receive, and two and a half per cent. for all moneys he shall pay out of the same dutys hereby ordered to be paid, during the time he shall continue to act as Treasurer of such dutys, in lieu of all salaries which are or have been allowed by any law or laws heretofore passed and enacted in this Province, any thing contained in such law or laws to the contrary thereof notwithstanding. Compensation
of Treasurer.

XXXII. *And be it further enacted* by the authority aforesaid, That the several Acts and laws, and the several paragraphs and clauses of laws, specified and enumerated and mentioned, declared to be repealed in an Act entituled an Act for laying an imposition on Negroes, Liquors and other Goods and Merchandizes, imported into and exported out of this Province, for raising a fund of money towards defraying the publick charges and expences of this Province, as also to repeal several Duty Acts and clauses and paragraphs of Acts, as is therein mentioned, ratified in open Assembly the twentieth day of March, one thousand seven hundred and eighteen—and also one other Act, entituled an Act to prohibit the exportation of Provisions and encourage the importation of the same, ratified in open Assembly the seventeenth day of December, one thousand seven hundred and twenty—together with the said laws, and every sentence, word, matter and thing in the said several Acts and laws, and in the said several paragraphs and clauses of laws, and also in the said laws, ratified as aforesaid, are hereby repealed, annulled, and made void and of none effect, to all intents and purposes whatsoever, any thing in the above recited Acts and laws or in the said clauses of laws hereby repealed, to the contrary thereof in any wise notwithstanding. Provided nevertheless, that nothing in this Act contained shall extend to the repealing any clauses whereby the present Treasurer is made accountable for all or any of the moneys received or to be recovered and received by him by virtue of any of the said Acts or Laws, or for the exempting any person or persons from paying any sums of money due from them to the publick, for or by reason of the duties arising by any of the said Acts or laws, for which actions may have been already or hereafter may be commenced, any thing in this Act to the contrary notwithstanding. Former Acts
repealed, and
how far.

XXXIII. *And be it further enacted* by the authority aforesaid, That all negroes, liquors, goods, wares and merchandize, imported into this Province by any person or persons inhabitants of this Province, and no other, in any ship or vessel built in this Province, and the major part owned by such person or persons as are actually inhabitants and residents in this Province, that is to say, that have lived in this Province for and during the space of twelve months together, before the importation of such goods, negroes, liquors, wares and merchandizes, and have actually paid tax assessed on them by virtue of any law of this Province, shall pay but one half of the dues or dutys laid or imposed by this Act, in proportion to the parts of the said ship or vessel so owned by them. Inhabitants
owning home-
built vessels
and trading
therewith, to
pay only half
duties.

XXXIV. *And be it also enacted* by the authority aforesaid, That all negroes, liquors, goods, wares and merchandizes, imported into this Province in any ship or vessel built in this Province, and whereof the owner or owners of any part of the said ship or vessel shall live out

A. D. 1721.

Owners living
out of the Pro-
vince to pay
three quarters
duty.

of this Province, the said negroes, liquors, goods, wares and merchandizes, shall pay three quarters of the dues and dutys laid and imposed by this Act; provided also, the said negroes, goods, wares or merchandize belong to the inhabitants of this Province, and not otherwise; and that all negros, liquors, goods, wares and merchandizes belonging to the said inhabitants, imported into this Province in any ship or vessel solely owned in this Province and built elsewhere, the said negroes, liquors, goods, wares and merchandizes shall also only pay three quarters of the dues and duties laid and imposed by this Act. Provided also, that all such ships or vessels as are built and solely owned here, as likewise such ships or vessels built here and part owned here, as also all ships or vessels built abroad and solely owned here, do and shall produce a certificate or certificates that all such negroes which they shall so import into this Province are new negroes, and have not been on shoar in any of the colonies, islands, or any part of America, above the space of six months, as other masters, merchants or factors are required to do by virtue of this Act, as is herein before directed, or pay the aforesaid duty of fifty pounds, as also the full duty upon Spanish Indians, and the duty of fifteen pounds upon Fayal wines.

To continue
for two years.

XXXV. *And be it further enacted* by the authority aforesaid, That this Act and every thing herein contained continue to be and remain in full force for two years, and from thence to the end of the next sessions of the General Assembly, and no longer.

JAMES MOORE, SPEAKER.

CHARLESTOWN, Sept. 21, 1721.

Assented to by FR. NICHOLSON, *Governour.*

Repealed by T. A. 4, section 30.

No. 456. AN ORDINANCE to impower and direct the Commissioners of the Tax to pay the several Sums therein mentioned.

(Passed March 10, 1721. Expired. The original not now to be found.)

No. 457. AN ACT for repairing the Causey leading to Ashley river Ferry, and the Road from the South side of Ashley river to the Bridge of the North-east Branch of Stono river, and for investing the Ferry in Capt. Edmund Bellinger.

(Passed March 10, 1721. The original not now to be found.)

A. D. 1721.

AN ACT FOR ERECTING THE SETTLEMENT AT WINYAW, IN CRAVEN COUNTY, INTO A DISTINCT PARISH FROM ST. JAMES SANTEE, IN THE SAID COUNTY.

No. 458.

WHEREAS, the inhabitants at Winyaw, in Craven county, have by their petition to the General Assembly set forth, that they are so far distant from the next parish church to them, in Craven county, that they can receive no benefit by the same, and being desirous to have divine worship established amongst them, according to the Church of England, pray that their Settlement may be erected into a parish; therefore, for gratifying so reasonable and pious a request and desire of the said inhabitants, and for promoting the knowledge of the Christian religion as professed in the Church of England, and worship of God in all parts of this Province, that so no persons inhabitants thereof may be destitute of enjoying the ordinances of God, appointed for their salvation, we pray your most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted* by his Excellency Francis Nicholson, Esq. Governour, by and with the advice and consent of his Majesty's Council and Assembly of this Province, and by the authority of the same, That the said inhabitants and Settlement at Winyaw, shall be and is hereby declared to be from henceforth for ever a distinct parish by itself, and shall be called by the name of Prince George's Parish; and the said parish shall be bounded to the south-west on Santee river, and to the north-east on Cape Fear river, to the eastward on the ocean, and to the westward as far as it shall be inhabited by his Majesty's subjects.

Winyaw to be a distinct parish by the name of Prince George's Parish.

II. *And be it further enacted* by the authority aforesaid, That the church and parsonage-house for the said parish, shall be built on such part of the said Settlement as his Excellency the Governour and his Majesty's honourable Council shall agree upon, by and with the advice and consent of the major part of the inhabitants of the said Settlement or Parish, who are of the Church of England; and the said parish shall have and enjoy all the rights, privileges and immunities as any parish in this Province doth or can have, hold or enjoy, by any law, custom or usage whatsoever.

A church and parsonage house to be built.

III. *And be it further enacted* by the authority aforesaid, That the rector or minister of the aforesaid parish, shall be elected and chosen as the other rectors or ministers of the several other parishes, by the Act for the establishment of Religious Worship in this Province, according to the Church of England, &c. ratified in open Assembly the thirtieth day of November, in the year of our Lord one thousand seven hundred and six, are ordered to be chosen; and shall have yearly paid to him and his lawful successors for ever, the sum of one hundred and fifty pounds, to be paid him in the same manner as other rectors and ministers of the several parishes are to be paid, and the publick Treasurer for the time being, is hereby authorized and required to pay the same, under the same penalties and forfeitures as for not paying the salaries due to other rectors or ministers of the several parishes of this Province; and the said rector or minister of the aforesaid parish, shall have and enjoy all such privileges and advantages, and also shall be under all such rules and laws as the other rectors or ministers of the parishes are under.

A Rector to be chosen, and to have a salary of £150.

A. D. 1721.

Commissioners
to draw on the
public treasury
for any sum not
exceeding
£1000.

IV. And least so good, pious and laudable an undertaking should fail for want of a sufficient number of contributions to raise money to build the said parish church and parsonage house, and purchasing a glebe; *Be it further enacted* by the authority aforesaid, That it shall be lawful for the commissioners hereafter named, by an order under their hands, to draw on the publick Treasurer of this Province, for any sum or sums of money not exceeding one thousand pounds, from time to time, as they shall become due to the artificers and labourers employed in building the said parish church and parsonage house, and for all materials that shall be purchased for the said purpose, to be paid by the said publick Treasurer out of the publick money that shall come to his hands; and the publick Treasurer for the time being, is hereby authorized and required to pay the same.

Names of the
commissioners.

The major
part of them
may choose
another in case
of a vacancy.

V. *And be it further enacted* by the authority aforesaid, That Capt. Meredith Hughes, Mr. John Lane and Mr. John Hayes, being inhabitants of the said Settlement of Win yaw, are hereby nominated and appointed to be the commissioners mentioned in this Act, and they, or the major part of them, are hereby impowered to exercise all the authorities and powers given them as commissioners by this Act, in the several parts thereof; and in case of the death, absence or resignation of any of the said commissioners, the remaining commissioners being summoned, or notice being given them before they meet, at some convenient place, which commissioners as shall so meet upon such summons or notice given, or the major part of them, shall or may chuse a person or persons to be commissioner or commissioners in the room or place of such person or persons dead, gone off or resigning, as to them shall seem meet; which persons so chosen shall and are hereby declared to be commissioners of this Act.

Two members
of Assembly to
be chosen for
this Parish.

VI. *And be it further enacted* by the authority aforesaid, That in all future elections for Assembly men for this Province, there shall be writs directed to the church-wardens of the said parish, to chuse two members to represent them in the Commons House of Assembly, and as well the said members so chosen, as also the churchwardens and all other persons concerned in election of members, shall be subject to the same qualifications and restrictions as other persons concerned in elections are under, pursuant to the directions of an Act of Assembly of this Province, entituled an Act to ascertain the manner and form of electing Members to represent the Inhabitants of this Province in the Commons House of Assembly, and to appoint who shall be deemed and adjudged capable of chusing or being chosen Members of the said House, ratified in open Assembly the nineteenth day of September, in the year of our Lord one thousand seven hundred twenty and one; and all future writs directed to the church-wardens of the parish church of St. James Santee, for electing two members for the said parish, the words (and Win yaw) shall be left out, any thing in the before recited Act contained to the contrary notwithstanding.

JA. MOORE, *Speaker.*

CHARLESTOWN, South Carolina, March 10, 1721.

Assented to by FR. NICHOLSON, *Governour.*

A. D. 1722.

AN ACT FOR THE RELIEF OF POOR DEBTORS.

No. 459.

WHEREAS, the strength and welfare of all countries (under God) consists in the number of its free inhabitants, especially in this Province, which is a frontier, and lies more exposed to the incursions of the French and Spaniards, and their numerous Indians, than any other of his Majesty's Colonies: And whereas many of the white men in this Province are daily deserting this Settlement upon account of their debts, not being able to satisfy their creditors, which if not timely prevented will be of the utmost ill consequence, by rendering of us less capable of withstanding of our foreign and domestick enemies; for the preventing of so great an evil, we therefore pray your most sacred majesty that it may be enacted,

Preamble.

I. *And be it enacted* by his Excellency Francis Nicholson, Esq. Governor, by and with the advice and consent of his Majesty's honourable Council, and the Assembly of this Province, and by the authority of the same, That if any handicraft tradesman, or any other person whatsoever, shall be in prison on mean process or execution for any debt above forty-shillings current money, and hath no visible real or personal estate, and shall make oath before any two justices of the Peace (being both present together, the creditor being first personally summoned to appear at the same time) that he is not worth forty-shillings sterling money, in any worldly substance, either in debts owing to him or otherwise howsoever, over and besides his wearing apparel, working tools and arms for muster, and if there be no person present that can prove the contrary, then such person shall by the direction of such justices, without form of trial, immediately be set at liberty, and shall stand forever discharged of all his debts so sued for and costs of suit or suits; but in case such person shall hereafter be discovered to have sworn falsely, he shall be indicted for perjury, and if convicted shall loose both his ears in the Pillory, and serve four years in one of the remote garrisons, and be liable to satisfy the debt. Provided nevertheless, this Act or any thing herein contained, shall extend to any debt or debts contracted before the twentieth of September now last past.

That any person being in prison for any debt above 40s. and shall make oath that he is not worth 40s. sterling, he shall be discharged of the debt and costs of suit.

II. *And be it further enacted* by the authority aforesaid, That the justices before whom such proceedings shall be had, shall put the same in writing under their hands, and return the same, if in the country, into the county and precinct Courts, and if within the jurisdictions of the Court of Common Pleas in Charlestown, they shall lodge the same with the Clerk of the Crown and Peace, under pain of being fined ten pounds each, for their neglect, by the judges and justices of such Courts respectively.

Proceedings to be returned to the clerk of the Crown.

III. *And be it further enacted* by the authority aforesaid, That a clause in the Act for establishing county and precinct Courts, beginning in these words (and whereas by the credit usually given in this Province,) and ending with these words (and serve four years as a soldier in one of the remote Garrisons) be and is hereby repealed.

A clause in an Act repealed.

JA. MOORE, *Speaker.**South Carolina, June 23, 1722.**Assented to by* FR. NICHOLSON, GOVERNOUR.

A. D. 1722.

No. 460.

AN ACT FOR THE ADVANCING THE SALARIES OF THE CLERGY.

Preamble.

WHEREAS, by the rise of goods and difference of Currency, the several sums of money and salaries heretofore allotted by the several laws of this Province, for the yearly maintenance of the reverend the Clergy, have not been sufficient for their support, which may tend to the great decay of piety, religion and learning in this Province, if a timely provision be not made in that behalf; we therefore humbly pray your most sacred majesty, that it may be enacted,

That the rector of St. Philip's Charlestown, shall receive for his salary yearly £150 proclamation money, and the several rectors in the country £100.

I. *And be it therefore enacted* by his Excellency Francis Nicholson, Esq. Governour, by and with the advice and consent of his Majesty's honourable Council and the General Assembly of this Province, and by the authority of the same, That instead of the several sums and salaries heretofore allowed to the ministers and rectors of the several parishes within this Province, respectively, all and every the said ministers elected in the manner as by the several Acts of Assembly of this Province is made and provided, and qualified according to the King's Royal Instructions, bearing date the thirtieth day of November, 1721, shall have and receive yearly and every year, by half-yearly payments, out of the publick Treasury of this Province, the several sums and salaries hereinafter mentioned, that is to say, the rector of St. Philips Charlestown, one hundred and fifty pounds proclamation money, or the value thereof in the current bills of this Province, computing four for one, and in proportion, to be adjusted once a year by the church commissioners, if need be; and the several rectors and ministers of the several parishes in the country, one hundred pounds proclamation money per annum each, or the value thereof in the current bills of this Province, computing four for one, to be settled and adjusted once a year by the church commissioners, if need be as aforesaid: and the Receiver General for the publick is hereby required to pay the same half-yearly, to the said ministers and rectors respectively, or their orders, out of the duties arising upon furs and deer skins; and in case the duties upon furs and deer skins shall fall short to answer the said salaries half-yearly, the same salaries shall be paid by the Receiver General for the publick, to the said ministers and rectors respectively, out of any other duties which shall come to the hands of the said Receiver General, either from the exports or imports of this Province, before all other orders and payments whatsoever, the duties appropriated towards the building the new brick church of St. Philip's Charlestown, only excepted, and the said salaries respectively shall commence and take place from the ratification of this Act.

The said salaries being unpaid for 21 days, the rector may maintain an action against the Receiver General.

II. *And be it further enacted* by the authority aforesaid, That if the said salaries, or any of them, or any part thereof, shall happen to be behind and unpaid for the space of one-and-twenty days next over or after the time herein before limited for payment thereof, to the said rectors respectively, or any of them, that then and in such case all and every the said rectors respectively, shall have and maintain an action of debt against the Receiver General for the publick, for the recovery thereof, and shall recover the same accordingly, together with usual costs of Court allowed in actions of debt. Provided always nevertheless, that nothing in this Act contained shall extend or be construed to allow the said rectors or ministers any of the said sums of money or salaries during the time his such rector's absence from this Province, or wilful neglect to officiate in his Cure.

III. *And be it enacted* by the authority aforesaid, That the said ministers and rectors, and every of them, shall be exempted in all times to come, from all repairs of their respective parsonage houses, any former law to the contrary notwithstanding; and the same shall be repaired from time to time by the church-wardens and vestry of each parish, who shall draw on the Publick Receiver for the charges of such repairs, who is hereby required to pay the same accordingly.

A. D. 1722.

The Parsonage House to be repaired by the vestry.

IV. *And be it enacted* by the authority aforesaid, That the sum drawn for the annual repairs of each parsonage house and kitchen, by the church-wardens and vestry of each parish, shall not exceed the sum of twenty-five pounds proclamation money, or the value thereof in the current bills of this Province, to be computed as the ministers salaries are directed to be by this Act, and the church-wardens and vestry of each parish that draw for the repairing of parsonage house and kitchen, shall render an account of the said money how laid out, to the church commissioners, at their next meeting after such repairs made, and if upon examining the said account, it should appear to them that the said repairs are not made, or the sum drawn for not applied to that use and no other, that then such church-wardens and vestry shall be obliged to refund the same into the treasury, and the commissioners are hereby required to order the Treasurer for the time being, to sue for the same, and the said treasurer is hereby empowered to sue for the same in his own name accordingly.

The sum for the said repairs not to exceed £25 proclamation money.

V. *And be it further enacted* by the authority aforesaid, That the quorum of the church commissioners, now consisting of eleven in number, be and is hereby reduced to the number of five, and the said quorum of five, whereof the president to be one, shall have the same powers and authorities as are given to all or any of the church commissioners by virtue of any Acts of Assembly now in force in this Province.

The quorum of the church commissioners reduced to five.

VI. *And be it further enacted* by the authority aforesaid, That the church-wardens and any five of the vestry-men of each parish within this Province, shall and are hereby fully empowered to rate and assess all the taxable inhabitants of each parish respectively, towards the maintenance of all and every the poor within the same parish, who have resided in any such parish by the space of twelve months then last past, and that ratably and proportionably according to the general tax or assessment for the year precedent, and shall levy the same by warrant of distress under the hands and seals of the two church-wardens and five of the said vestry, against the goods of the said person refusing to pay the same, and shall make sale thereof, returning the overplus, after deducting thereout reasonable charges for the levying the monies so assessed.

The inhabitants of the parish to be assessed for the maintenance of the poor.

VII. Whereas several orders have been drawn on the Publick Treasurer, payable to the several rectors of parishes for officiating in other parishes when vacant; for the prevention of the same for the future, *Be it enacted* by the authority aforesaid, That if the vestry of any parish shall take on them to draw on the treasurer for any monies contrary to the true intent and meaning of a law of this Province, commonly known by the name of the church law, the Publick Treasurer shall refund the same out of his own proper monies, to the use of the publick.

The Publick Treasurer shall refund the money drawn on him by the vestry contrary to the intent of the church Act.

VIII. *Be it enacted* by the authority aforesaid, That the salaries granted to the ministers of each respective parish by this Act, are in lieu of the several salaries heretofore granted them by an Act entitled an Act for establishing religious worship, &c. ratified the thirtieth day of

The salaries granted by this Act are in lieu of any former.

A. D. 1722. November, 1706, and also another Act ratified June the seventh, 1712, as also an Act ratified December the eleventh, 1717, any thing in the said Acts to the contrary in any wise notwithstanding.

JA. MOORE, SPEAKER.

CHARLESTOWN, SOUTH CAROLINA, June 23, 1722.

Assented to by FR. NICHOLSON, *Governour.*

No. 461. *AN ACT* FOR PREVENTING THE DESERTION OF INSOLVENT DEBTORS, AND FOR THE BETTER SETTLING THE FRONTIERS OF THIS PROVINCE.

Preamble.

WHEREAS, notwithstanding the precautions taken for preventing the large credit given to the poorer sort of people, and more especially to loose, idle and disorderly persons, who continually running in debt beyond what they are able to pay, daily desert the Province, which if not timely prevented, will expose this frontier Colony to the incursions of the Indians, insurrections of negroes, and make the same an easy prey to any foreign enemy, we therefore humbly pray your most sacred Majesty, that it may be enacted,

No civil process to be issued against any person living and residing beyond the 3 Runs, for any sum not exceeding £30 sterling or the value thereof.

I. *And be it enacted* by his Excellency Francis Nicholson, Esq. Governour, by and with the advice and consent of his Majesty's honourable Council, and the Assembly of this Province, and by the authority of the same, That no mean process, writ or execution whatsoever, unless it be for a matter criminal, shall run or be executed against any person living or residing beyond the Three Runs, being about twenty miles on this side Fort Moore, for any debt, duty, contract or sum of money whatsoever, not exceeding the sum of thirty pounds sterling, or the value thereof in bills of credit of this Province, while such person be actually resident beyond the said Three Runs; and if any such action shall be brought against any such person while he is resident beyond the said Three Runs, for any debt, duty, contract or sum of money whatsoever, under the value of thirty pounds sterling, and the real debt shall be, *bona fide*, under that value, the defendant shall have liberty to plead the general issue, if he thinks fit, and give this Act and the special matter in evidence, or if the plaintiff shall recover less than the said sum or value of thirty pounds sterling, the same shall be a sufficient reason for the defendant to move an arrest of judgment, and the judges of any Court in this Province where the said action shall be pending, shall allow the same to be sufficient reason to arrest the said judgment, and set the defendant at liberty forthwith, so that the same nevertheless shall not extend to an absolute release of the same debt; and the plaintiff shall pay all the defendant's costs of suit, and the judges of any Court shall award execution for such costs as if judgment had been given for the defendant; and the marshal executing any civil process against any such debtors, whilst living and actually residing beyond the said Three Runs, shall forthwith refund all his fees and mileage to such debtor, by order of the said justices, under the pain of forty pounds current money, to be set on him by the said justices, to the use of his Majesty for the support of this Government.

The justices shall determine of the value of £30 sterling.

II. *And be it further enacted* by the authority aforesaid, That the justices of the Court where such suit shall be pending, shall judge of the value of the said thirty pounds sterling, according to the usual course of exchange then given.

III. *And be it further enacted* by the authority aforesaid, That if any person with an intent to evade this Act, shall cause any person to be apprehended by warrant under a suggestion of any criminal matter, in order to bring such person within the reach of a civil process, and to subject him to an arrest for any debt, duty, contract or sum of money whatsoever, the justices of the Court from whence such civil process issued, shall examine the said matter *Ore Tenus*, either in Court or without, and without form of trial, and if they shall discover such deceit, they shall forthwith set the defendant at liberty; and if any person living and residing beyond the said Three Runs, shall be apprehended and brought down into the Settlement by virtue of any warrant for any criminal matter, or supposed criminal matter, not extending to life or limb, he shall be exempt from all process and arrests as to any debt under the value of thirty pounds sterling, during his being under actual prosecution for such criminal matter, and until he shall be discharged by due course of law from such criminal matter, and by the space of one month then next after.

A. D. 1722.

Persons living beyond the Three Runs and apprehended for any criminal matter, not extending to life or limb, shall be exempt from all arrests as to any debt under £30 sterling.

IV. *And be it further enacted* by the authority aforesaid, That the commissioners of Indian affairs shall, as soon as may be, cause to be laid out and plotted a town and common, at the charge of the publick, in the most convenient place at or near the said Savanna garrison, to be distributed into lots to such persons who shall be minded to settle therein, and lands for the inhabitants, to be purchased by the publick for that purpose, and that the said commissioners or surveyors do return such plat into the General Assembly as soon as they have finished the same. And the said commissioners for Indians affairs or Surveyors, for their better direction in the premises, are hereby required, as soon as may be, to plat out a town, to consist of three hundred half-acre lots, but that all and every the said lots to be two hundred yards distant from the fort, and one thousand acres for a common, and also with all convenient speed to set out and plat one hundred acres of land to each town lot.

A town to be laid out near the Savanna garrison.

V. And whereas for the better strengthening the Savana town, designed as a frontier to this Province, it will be necessary to hinder the making Settlements on the western side of the Savana river for the present, whereby the inhabitants of such plantations would be prevented from readily joining their forces for their mutual defence, if attacked by an Indian enemy, *Be it therefore enacted* by the authority aforesaid, That no person whatsoever shall raise or keep any stock of cattle, horses or hogs, on the other side of the said Savana river, the pasture now kept for the use of the said garrison only excepted, under the penalty of forfeiting all such stock of cattle, horses and hogs, and every of them, which shall be found on the other side of the said Savana river, to be recovered by information in any Court of record in this Province, one half to his Majesty for the support of this Government, and the other half to the informer that will sue for the same, wherein no essoign, protection or wager of law shall be allowed or admitted of; and all persons living or settling beyond the said Savana river, shall be excluded the benefit of this Act.

No stock to be kept on the western side of Savanna river.

All persons settling beyond the Savanna river to be excluded the benefit of this Act.

VI. And whereas it will be necessary that the lands planted at the Savana town be fenced in, that small stocks may be raised to support the inhabitants thereof and their families, *Be it therefore enacted* by the authority aforesaid, That all persons residing there, and planting any ground, shall have and keep a good, strong and sufficient fence six feet high, about all sorts of provision, belonging to the publick, or otherwise, and shall from time to time maintain and keep the same in repair, and be liable to all such fines, penalties and forfeitures, and to be recovered after the same

Provisions planted at Savanna town to be fenced in.

A. D. 1722.

manner as is directed by an Act entituled an Act for making sufficient fences, and keeping the same in repair, ratified in open Assembly the 20th day of June, 1694.

The benefit of this Act to be enjoyed seven years.

VII. *And be it further enacted* by the authority aforesaid, That all and every person whatsoever living and residing beyond the said Three Runs, on this side the said Savana river, shall have the benefit of this Act for the space of seven years next after his first residing beyond the said Three Runs, so that the said debt at his first residing did not exceed the said sum of thirty pounds sterling.

All persons residing within said limits shall muster under their officers.

VIII. *And be it further enacted* by the authority aforesaid, That all persons residing within the limits prescribed by this law, shall muster only under their respective officers commissioned for that purpose, any thing or matter contained in any other law to the contrary in any wise notwithstanding.

And are exempted from all taxes and their cattle and produce from all attachment and execution.

IX. *And be it further enacted* by the authority aforesaid, That all persons living and actually residing beyond the said Three Runs, on this side the said Savana river, shall be exempted from all taxes and assessments for the lands, goods and effects which they are possessed of, within the said limits, and that the cattle and produce of this country, belonging to such persons who shall reside within the said limits, which shall be coming or brought from thence to market, to be sold, shall be exempted from all attachments and other process or executions, if the debt at his first residing be under the said sum of thirty pounds sterling.

They shall build houses on the town lots in 12 months.

X. *And be it further enacted* by the authority aforesaid, That the grants to be made of the said town lots shall be conditional, viz. provided such grantee do build a tenantable house on such lots, of twenty feet in length and twelve feet in breadth, in twelve months after the date of such grant, and that all grants and mean conveyances of any of the said town lots and one hundred acre tracts, to any other person who is possessed of any other of the said town lots or one hundred acre tracts, be and are hereby deemed null and void.

They shall not have the benefit of the Statute of limitation.

XI. *And it is hereby enacted and declared*, That no person living and residing beyond the said Three Runs, shall have the benefit of the Statute of limitations now in force in this Province, for all or any part of the time they have so lived beyond the said Three Runs.

JAMES MOORE, *Speaker*.

SOUTH CAROLINA, June 23, 1722.

Assented to by FRANCIS NICHOLSON, *Governour*.

No. 462. AN ACT to confirm and establish two Bridges now standing over the head of Ashley river, and for building another Bridge from the South side of the said river to Dorchester Town.

(Passed June 23, 1722. The original not now to be found. See Trott's Laws of South Carolina, p. 393. See last volume.)

No. 463. AN ACT for building Bridges in the Parish of Santee.

(Passed June 23, 1722. The original Act not now to be found. See Trott's Laws of South Carolina, p. 395. See last volume.)

A. D. 1722.

No. 464.

AN ACT for the good Government of Charlestown.

(Passed June 23, 1722, and repealed by order of the Lords Justices in England. The original Act and Order of repeal not now to be found. See Trott's Laws of South Carolina, p. 397. *See last volume.*)

AN ACT to revive and continue an Act entituled an Act for carrying on the building and for finishing and compleating the brick Church in Charlestown, and declaring it to be the Parish Church of St. Philip's Charlestown. No. 465.

(Passed December 7, 1722. The Act referred to is No. 423. See Trott's Laws of South Carolina, p. 398. *See last volume.*)

AN Additional ACT to an Act entituled an Act for establishing County and Precinct Courts. No. 466.

(The original Act not now to be found. See Trott's Laws of South Carolina, p. 398. *See last volume.*)

N. B.—This and the eight Acts that follow, are declared to have passed at a Session of the General Assembly begun in July, 1722, and holden by continuances and adjournments until the 6th day of November, 1722. Yet they are all dated from the Council Chamber February 23, 1722. Hence I have stated them as having passed in July, 1722, being unable to explain the discrepance.

AN ACT FOR THE BETTER STRENGTHENING AND SECURING THE FRONTIERS OF THIS PROVINCE, BY CONTINUING THE GARRISON AT FORT MOORE, ERECTING THE GARRISON AT THE PALLACHOCOLA OLD TOWN, ON THE SAVANNA RIVER, REPAIRING THE FORT AT BEAUFORD, AND CONTINUING TWO SCOUT BOATS, AND LIMITING THE BOUNDS OF THE INDIAN HUNT BY THE SAVANNA RIVER. No. 467.

WHEREAS, it has been found by experience, that the garrison at fort Moore, alias the Savana fort, is of great advantage and service to this Province, as well for carrying on the Indian trade, as to prevent the incursions of any enemies living to the South and West of this Government, and there being no law in force for the continuing that garrison we pray your most sacred Majesty, that it may be enacted,

Preamble.

I. And be it therefore enacted by his Excellency Francis Nicholson, Esq. Governour, by and with the advice and consent of his Majesty's honourable Council, and Commons House of Assembly, and by the authority of the same, That the present garrison at fort Moore shall be continued, and shall consist of a Captain, Lieutenant and twenty private men, under the present establishment and pay, that is to say, the Captain at two hundred and fifty pounds per annum, the Lieutenant at one hundred and forty four pounds per annum, a Sergeant at eight pounds per month, and each private man at six pounds per month; and each man shall be further

That the garrison at fort Moore be continued, the complement of men established pay and allowance the same.

A. D. 1722.

allowed after the rate of twelve bushels of corn, two barrels of beef, and one hundred weight of rice per annum, for provision; as also after the rate of four pound of powder and eight pound of bullets to each man per annum, which ammunition is to be delivered out according to the discretion of the commander of the said garrison.

A fort to be
built at the
Pallachocola
old town.

II. And whereas erecting a garrison at the Pallachocola old town, on the Savanna river, will in a great measure cover the South-west part of this Settlement from the incursions of the Yamasee Indians, and others in confederacy with the French and Spaniards, being the usual place for those Indians to ferry or cross over the said river, *Be it therefore enacted* by the authority aforesaid, That as soon as possible after the ratification of this Act, that a Captain, Lieutenant, Sergeant and nineteen private men shall be enlisted and raised under the same pay and establishment of provision and ammunition, as the garrison of fort Moore, and repair as soon as may be to the Pallachocola old town, and there build a small Pallisado Fort, and convenient huts to lodge in.

III. And the better to enable the said men to erect the said garrison, *Be it enacted* by the authority aforesaid, That the commander who shall be appointed for the said fort, shall survey the said Pallachocola old town, and lay out the said fort, and the commissary shall furnish the said garrison with four small pieces of cannon, and spades, hoes, axes, saws, pots, mills, nails, and all other materials absolutely necessary for erecting and finishing the said garrison, and an account thereof keep and lay before the General Assembly for their allowing the same, in order for payment.

The fort at
Beauford to be
repaired.

IV. And whereas the fort at Beauford is so much out of repair, and the great gun carriages so rotten, that the same is defenceless and of no service, whereby the inhabitants have no place of security for their families in time of alarm, which so much dispirits them, that it may occasion a desertion of those frontiers, *Be it therefore enacted* by the authority aforesaid, That there be forthwith nine new carriages made and provided for the great guns there, of Cedar plank, by the commanding militia officer at Beauford, who is hereby further authorized and empowered to repair the said fort, so as to render the same of sufficient defence against Indians; provided, that the said mounting the great guns and such repairs, does not in the whole exceed the sum of four hundred pounds current money; of all which the said commanding officer shall keep an account of, and lay the same before the General Assembly for their allowing and approving thereof, in order for payment.

Two scout
boats at Port
Royal.

V. *And be it further enacted* by the authority aforesaid, That there shall be still kept and continued two scout-boats at Port Royal, each consisting of six men and a commander, each commander to be allowed after the rate of fifteen pounds per month, and each man after the rate of six pounds per month, and be further allowed the same proportionable quantity of provisions and ammunition as the men of the garrison of fort Moore.

Perriangers for
the use of the
scout boats.

VI. *And be it enacted* by the authority aforesaid, That as soon as one or both of the pettyangers now building for the use of the scouts, are finished, that they be furnished with sails, grapplings, painters, tarpaulings, and all other things necessary, by the commanding officer at Beauford, who is hereby required to keep an account thereof, in order to lay the same before the General Assembly for their approbation, in order for payment.

Orders for the
scout boats.

VII. *And be it enacted* by the authority aforesaid, That one of the said scout boats or pettyangers with its crew shall constantly remain at the said fort at Beauford, as a watch there, and shall not depart thence except

on alarms, or in pursuit of run-aways deserting this Province; and the commander and men belonging to the same, shall keep a guard and watch in the said fort every night, any custom, usage or orders to the contrary thereof in any wise notwithstanding; and that the other scout boat be kept going between Port Royal and fort King George.

A. D. 1722.

VIII. *And be it further enacted* by the authority aforesaid, That as soon as the said garrison at Pallachocola old town is finished and settled, that they shall once a fortnight range towards those branches of Port Royal river called Coosahatchee, Tulafena, and towards the Savanna path, and if they meet with any Indians hunting, marching or encamping in those parts, they are hereby directed to order them back over the Savanna river, using in the first place all persuasive means to oblige them to it, which if they refuse, then they are to apprehend and disarm them, and force them back over the Savanna river.

How the Pallachocola garrison is to range.

IX. *And be it enacted* by the authority aforesaid, That the said several Captains and Commanders of the said garrisons and scout boats, shall upon all extraordinary occasions, dispatch expresses to his Excellency the Governour, or the Commander-in-chief for the time being, in Charles City and Port, and the men coming with such expresses shall apply themselves to the treasurer, to be provided for and entertained by him, until they are dispatched away by his Excellency as aforesaid; and the said Captains and Commanders shall also on the 25th of March, 24th June, 29th September, and 25th December yearly, transmit journals of all their proceedings to his Excellency and Council, in order to be laid before the General Assembly at their next sitting.

The commander of garrisons and scout boats to dispatch expresses to the Governour on extraordinary occasions.

X. *And be it further enacted* by the authority aforesaid, That the said Captains and Commanders shall yearly on the 25th of March, and on the 29th of September, send three muster rolls signed by them, one inclosed to the Governour and Council, and one to the Clerk of the Assembly, and the other to the Treasurer, distinguishing therein the year, month and day of each man's service, according to which muster rolls the Treasurer is hereby authorized and directed to pay the wages of the men therein returned, out of the monies appropriated for that service, to them or their order, so as the same does not exceed the present establishment directed by this Act.

Three muster rolls to be transmitted half yearly.

XI. *And be it further enacted* by the authority aforesaid, That the said Treasurer is hereby further directed, impowered and authorized to purchase and furnish the said garrison and scouts with the provisions and ammunitions allowed them by this Act, and take all convenient opportunities to convey and transport the same to the said garrisons and scouts, and do every other act and thing requisite and necessary, as any commissioners of the scouts, garrisons or rangers might, could or ought to do according to law.

The treasurer to furnish the garrison and scout boats.

XII. *And be it further enacted* by the authority aforesaid, That it shall not be lawful on any account whatsoever, for the Commander or Commanders of the said garrisons of fort Moore and Pallachocola, or for any officer or private man belonging to either of the said garrisons, and receiving pay from this government, to trade or deal for any liquors, goods or merchandizes whatsoever, or barter the same for any skins, furs or slaves, either directly or indirectly, with any Indian or Indians whatsoever, or be any ways concerned in the Indian trade; and if any of the persons aforesaid shall offend in the premises, he or they so offending shall forfeit to the King the sum of five hundred pounds, current money of this Province, to be recovered by action of debt, bill, plaint or information, in any Court of record in this Province, wherein no essoign, priviledge, injunction

The commander of the garrison or any person belonging to them not to trade with the Indians.

A. D. 1722.

or stay of prosecution, shall be admitted or allowed of; one half thereof, when recovered, to be paid into the hands of the treasurer of this Province, to be applied by him to such uses as he shall be directed by an order of the General Assembly, and the other half to him or them that shall sue for the same; and further the person or persons so offending shall be (*ipso facto*) discharged of his service, in either of the said garrisons, and rendered incapable of serving the publick hereafter.

Encourage-
ment of the
soldiers to plant
provisions.

XIII. And for the further encouragement of the officers and soldiers of the said garrisons to plant and raise provisions there, *Be it enacted* by the authority aforesaid, That any person or persons under the publick pay, serving in the said garrisons, who shall plant, make or raise any Indian corn or pease, either by their own labour, or by the labour of their servants or slaves, and deliver the same in good merchantable condition, into the store-houses of the said garrisons, upon a certificate returned of the quantity so delivered, signed by the officers of either of the said garrisons, unto the treasurer, it shall be lawful for the said treasurer to pay for the same, after the rate of five shillings per bushel, and he is hereby directed to pay the same accordingly, and the commanders of the said garrisons are hereby ordered and commanded to get cleared, fenced, planted and tended yearly by the soldiers under pay, as many acres of corn land as they judge will be sufficient to produce the quantity of corn requisite for the use of the garrison.

The comman-
ders of the
garrisons to be
accountable for
the same to the
General Assem-
bly.

XIV. *And be it further enacted* by the authority aforesaid. That the commander or commanders of the said garrisons shall be accountable for all provisions so delivered into the stores as aforesaid, unto the General Assembly when thereunto required, and shall dispose of the same from time to time, according to the order of the General Assembly, and upon any misapplication made of the said provisions by either of the commanders or other officers, or men belonging to the said garrisons, the value of the quantity of the said provisions so misapplied, shall be stopped out of his or their pay, and the treasurer is hereby empowered to stop the same accordingly.

Persons settling
at the Pallacho-
cola garrison to
enjoy the same
privileges
granted by the
Act No. 461.

XV. *And be it further enacted* by the authority aforesaid, That for the more effectual strengthening the frontiers of this government towards the said Savannah river, that all the privileges granted to insolvent debtors by an Act of this General Assembly entituled an Act for preventing the desertion of insolvent debtors, and for the better settling the frontiers of this Province, shall extend to such persons as shall settle at the said Pallachocola garrison, or within twenty miles of the same on this side of the river, which persons shall be under the same restrictions and directions as those that shall settle at the Savanna town, and enjoy all the same privileges and advantages as are given to the said persons by the Act, in as full and ample manner as if the said Act, and every paragraph thereof, were herein particularly mentioned or rehearsed; and the commander of the said fort, or such other person or persons as shall be authorized by this present General Assembly so to do, shall lay out a town and lots of land after the same manner as is directed to be laid out at the Savanna town, by the said Act, any law, custom or usage to the contrary notwithstanding.

XVI. And whereas, several persons inhabitants of this Province, are owners and claimers of sundry tracts of land unsettled on the Islands in and about Port Royal in Granville county, which lands are kept up in value by the personal service performed by the inhabitants living on those Islands, who are obliged on all alarms (which in that frontier often happen) to meet together and march against any enemy, whereby their

service becomes insupportable, and may occasion a desertion of those frontiers, without some remedy be applied to oblige the owners of such unsettled and dormant lands to find men in the militia of the said place, to assist the other inhabitants in defence of the said lands, *Be it therefore enacted* by the authority aforesaid, That any person or persons whatsoever (except orphans) owning or claiming any tract of lands on any of the said Islands in Granville county, not exceeding one thousand acres, and for every thousand acres over, who shall not have a white man who shall personally appear, and serve in the militia of the said county upon all musters and alarms, according to the directions of the Act for the better ordering of the militia, in eighteen months after the ratification of this Act, shall be liable to pay all such fines and forfeitures to the King, as are directed by the said militia Act, to all intents and purposes as if the owners or claimers of such lands were actually resident upon the lands, and made a breach of the said law; the said owners or claimers of such lands so offending, to be once a year returned under the hands of the militia officers of the said county, unto the publick treasurer, together with the sum or sums of money forfeited, and the said treasurer is hereby empowered to levy and recover the same of the persons so making default, after the same manner and method as the commissioners of the tax are empowered by any law to levy and recover taxes; and the money arising thereby is hereby appropriated for building a guard-house and magazine in the fort at Beauford, and the treasurer is hereby directed to dispose and pay the same accordingly for that use, to the persons that shall be contracted with to build the same, by certificate from the commanding officer at Beauford.

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The owners of lands on any Island in Granville county shall there settle one white man for every 1000 acres, to serve in the Militia.

XVII. Whereas, the intention of settling the garrisons and paying of persons to go in scout-boats, was to strengthen the frontiers, and protect the out settling inhabitants, least the same should be frustrated, *Be it therefore enacted* by the authority aforesaid, That no person having a plantation or tract of land, settled or unsettled, within thirty miles of any of the said garrisons, or upon any of the Islands in or about Port Royal in Granville county, shall be enlisted in any of the garrisons as soldiers, or in any of the scout-boats.

What persons are not to be enlisted as soldiers.

JA. MOORE, SPEAKER.

*Council Chamber, Charles City and Port, February 23, 1722.**Assented to by* FR. NICHOLSON, *Governour.*

This Act was not passed till the July Session of that year.

AN ACT for continuing Francis Yonge, Esq. Agent for transacting the affairs of this Province in Great Britain. No. 468

(Passed in the July Session, but bears the date of February 23, 1722. The Act is noticed by Trott, Laws of South Carolina, p. 404, but the original is not now to be found.)

A. D. 1722.

No. 469.

AN ACT TO ENCOURAGE THE MAKING OF HEMP.

Preamble:

WHEREAS, the natural soil of this Province is capable of producing Hemp, which may prove to the advantage of Great Britain, and as nothing can contribute so much to the interest of his Majesty's Colonies abroad, as encouraging variety of valuable commodities for exportation, since thereby they increase the importation from their mother countries, and pay for the same with their own produce; and whereas the Parliament of Great Britain have in their great wisdom thought fit to give a bounty for all naval stores imported from their Colonies and Plantations; that the inhabitants of this Province may as much as in them lies, shew their gratitude for the same, may it please your most sacred Majesty, that it may be enacted,

That the with-
in mentioned
premium be
given on every
100 weight of
Hemp made in
this Province.

I. *And be it enacted* by his Excellency Francis Nicholson, Esq. Governour, by and with the advice and consent of his Majesty's Council and the Assembly of this Province, That for the encouragement of making of Hemp within the same, a premium of eight shillings and four pence proclamation money, be allowed by the publick upon every hundred weight of well-drest merchantable Hemp, reckoning five score to the hundred, and so in proportion for all above one hundred pounds weight of well-drest merchantable Hemp made within this Province, and that the same be paid to the maker, by the Publick Receiver for the time being, upon his producing an affidavit before some justice of the peace, that he made the quantity mentioned in such certificate, and that neither he nor any other person to his or their use, hath before that time received any premium for the same.

JA. MOORE, *Speaker.**Council Chamber, Charles City and Port, February 23, 1722.**Assented to by FR. NICHOLSON, Governour.*

No. 470. AN ACT FOR THE AMENDMENT OF AN ACT OF THIS PRESENT GENERAL ASSEMBLY, ENTITULED AN ACT FOR THE BETTER REGULATION OF THE INDIAN TRADE, BY APPOINTING COMMISSIONERS FOR THAT PURPOSE, AND TO SURVEY AND SUPERVISE THE GARRISONS, AND TO SETTLE THE BOUNDS OF THE INDIANS.

Preamble.

WHEREAS, it is found by experience that the benefit this Province expected to receive by the Commissioners nominated and appointed by the said Act, going twice a year to the several garrisons therein mentioned, has not answered the expectation of this present General Assembly, therefore for the retrenching so unnecessary an expense to this government, we pray your most sacred Majesty that it may be enacted,

I. *And be it enacted* by his Excellency Francis Nicholson, Esq. Governour, by and with the advice and consent of his Majesty's honourable Council and Assembly of this Province, and by the authority of the same, That that part of the said Act whereby the honourable William Bull, George Chicken and John Harbert, Esqs. are nominated and appointed commissioners for transacting the powers and authorities given them by

the said Act, is hereby declared to be repealed, annulled, revoked and made void to all intents and purposes whatsoever, and the salaries payable to the said commissioners shall henceforth cease, and the money appropriated for payment of the said salaries shall remain in the hands of the treasurer, to be disposed of by order of the General Assembly; any thing in the said Act or in any other Act whereby they are so nominated, to the contrary thereof in any wise notwithstanding.

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II. *And be it enacted* by the authority aforesaid, That all and singular the powers and authorities relating to all matters and things whatsoever that were by the said Act given to the said commissioners, are hereby declared to be vested in his Excellency the Governour or Commander-in-chief, and in any three members of his Majesty's honourable Council for the time being, in as full and ample manner as if every of the said powers and authorities were herein particularly mentioned, except what relates to the personal visit that was enjoined twice a year to be performed by the said commissioners to the several garrisons therein mentioned.

III. *And be it further enacted* by the authority aforesaid, That in ten days after the passing of this Act, the said commissioners shall deliver into the hands of his Excellency the Governour and the honourable Council, all and singular the books, papers, seals and other writings, to be by his said Excellency and Council deposited into the hands of a fit person to be by them nominated as their Secretary for Indian affairs, who is hereby empowered and directed to perform and execute all the matters and things which are required to be performed by the Secretary in the said Act, and is hereby also entitled to all the fees and perquisites appointed for giving out lycences and instructions by the said Act.

IV. *And be it further enacted* by the authority aforesaid, That the said commissioners of the Indian trade shall likewise, within ten days after the passing of this Act, pay and deliver into the hands of his Excellency the Governour and any three of his Majesty's honourable Council, all such sums of money, wares, goods, skins, or other merchandizes whatsoever that they may happen to have in their hands belonging to the publick, to be by his Excellency and the Council put into the hands of the Publick Receiver for the use of the publick; as also all bonds, bills, notes, books or papers of accounts which were taken by them for account of the publick, and his Excellency the Governour and the Council of this Province are hereby empowered to demand and receive the same accordingly; any thing in the said Act to the contrary thereof notwithstanding.

V. And whereas, it is necessary that some person should be appointed to visit the publick garrisons of this Province in order to see them kept in order, and to make report to his Excellency the Governour and his Majesty's honourable Council in what condition he finds them, and what may be further necessary to be done to the said garrisons for their better defence, *Be it therefore enacted* by the authority aforesaid, That a Supervisor shall be appointed by his Excellency the Governour and Council, to visit twice a year the several garrisons of this Province, that is to say, his Majesty's garrison at Allatomaha, the garrison at Savana Town, the garrison at the Pallochuelas, and upon his return into the Settlement, shall make report to his Excellency the Governour, Council and Assembly, in what condition he finds the said garrisons, and what may be further necessary to be done for their better defence; and the said supervisor is hereby further ordered and empowered, to order and command the several commanders of the said garrisons (excepting that at the Allatomaha river) to repair and add such other works to their respective garrisons, by the labour of the soldiers, as the said supervisor shall think necessary for the better defence of the

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said garrisons ; and the said commanders and soldiers are hereby ordered and commanded to do the same accordingly, upon and under the penalty of forfeiting their wages, for disobeying the orders of such supervisor.

VI. *And be it further enacted*, That the said supervisor shall have and receive, for his trouble in visiting the said garrisons, and doing his duty as is required by this Act, the sum of four hundred pounds a year, to commence from the time of his setting out to perform his duty required by this Act ; any thing in this or any other Act to the contrary notwithstanding.

VII. *And be it further enacted*, That the said Act for the better regulating of the Indian trade, by appointing commissioners for that purpose, and to survey and supervise the garrisons and to settle the bounds of the Indians, and every part thereof, excepting what is by this Act amended and altered, and also this Act, shall continue and be in force for the full term and time of one year after the passing of this Act, and from thence to the end of the next session of the General Assembly, and no longer:

JA. MOORE, *Speaker*.

Council Chamber, Charles City and Port, February 23, 1722.

Assented to by FR. NICHOLSON, *Governor*.

The original Act to which this is additional, is not now to be found. The present amending Act was passed in the July Session of 1722, but is dated from the Council Chamber, February 23, 1722. Repealed by Act of April 17, 1725.

No. 471. AN ORDINANCE of the General Assembly for appointing two Country Waiters.

(Passed in the July Session of 1722, but dated February 23, 1722. The original too much mutilated to be copied.)

AN ESTIMATE OF THE CHARGES OF THE GOVERNMENT, THAT IS AND WILL BE DUE ON THE 25th OF MARCH NEXT, 1723, TO BE PROVIDED FOR BY THE GENERAL ASSEMBLY AND AGREED TO BY THE COMMITTEE OF BOTH HOUSES APPOINTED FOR THAT PURPOSE.

TO Ministers' salaries, two thousand three hundred and eighty-two pounds ; to repairs of Parsonage houses, three hundred pounds ; to Parochial charges, four hundred and fifty-five pounds ; to Beasts of Prey, one hundred pounds ; to Drawbacks, one hundred pounds ; to bounty allowed for building Vessels, one hundred pounds ; to the salaries of the land Waiters, forty pounds ; to the Commissary General, one hundred pounds ; to the repairing of Johnson's Fort, three thousand nine hundred forty-three pounds ; to the salaries for the commander and men of the said fort, three hundred and sixteen pounds ; to the salary of the Armourer and Gunner of Charles City, two hundred sixty-two pounds ; to the salaries of the commander and men of Fort Moore, one thousand three hundred thirty-one pounds ; to the wages and provisions for the Scout Boats, one thousand four hundred sixteen pounds ; to two Scout Boats and furniture for them, now building, three hundred pounds ; to arrears due to work-

men and materials for Fort King George, one thousand four hundred pounds; to the wages of those men employed at the said Fort, two hundred eighty-eight pounds; to the salary of the Agent in Great Britain, two thousand pounds; to fees allowed to Coroners, twenty pounds; to Colonel Hastings's salary, three hundred pounds; to arrears due on account of Indians, three hundred pounds; to sundry accounts depending before the Committee of Accounts, five hundred pounds; to the Secretary, Clerk of Assembly, the Messenger and other Clerks, for drawing, ingrossing and writings, two thousand pounds; to Colonel Brewton, for the use of his house, fifty pounds; to general orders for building Churches and Parsonage houses at Winyaw, St. Paul's, St. George's and St. Andrew's, two thousand one hundred pounds; to general orders for building Bridges, two hundred and fifty pounds; to the charges of the Commissioners of the Bank, one hundred pounds; to the charges of sending the Sloop to St. Augustine, four hundred and ninety pounds; to Colonel Fenwick's Look-out, seventy-six pounds; to the Surveyors of Charles City, four hundred pounds.

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A further Estimate of the Charges of the Government from the 25th of March to the 25th of September, being six months, and agreed to by the Committee of both Houses.

To Ministers' salaries, one thousand six hundred pounds; to Beasts of Prey, fifty pounds; to Drawbacks, one hundred pounds; to land Waiters, fifty pounds; to the Commissary General, one hundred pounds; to the commander and men of Johnson's Fort, three hundred and sixteen pounds; to the Armourer and Gunner of Charles City, one hundred seventy-five pounds; to the commander and men of Fort Moore, nine hundred twenty nine pounds; to the commander and men of the Scout Boats, and provisions, seven hundred sixty-six pounds; to provisions for Fort Moore, four hundred and twenty pounds; to Coroner's fees, twenty pounds; to maintenance of Indians, charge of Expresses, &c. five hundred pounds; to the Clerk of the Assembly, Messenger, and writings, four hundred pounds; to contingencies for which general orders may pass, four thousand three hundred seventy-four pounds; to the deficiencies in the estimate for Fort Moore, one hundred forty-five pounds; to deficiencies in the estimate due on the account of Indians, eighty pounds; to deficiencies on the accounts depending before the committee of accounts, three hundred thirty-one pounds; to outstanding orders, four hundred thirty-nine pounds; to six months for the commander and men of the Pallachola Fort, one thousand and seventy-four pounds; to the repairing and mounting the guns at Beaufort, four hundred pounds; to materials and necessaries for the Fort at Pallachocolas, four hundred pounds; to Mr. James Blew's account of twelve pounds ten shillings sterling, allowed twenty pounds sterling; one hundred and thirty pounds to Joseph Boone, to balance his account; one thousand five hundred pounds to Nicholas Trott, upon perfecting his agreement; one thousand pounds to the church and parsonage house at St. Helena; one thousand pounds to a Printer from Great Britain; one thousand pounds to Joseph Massey's account, for reprinting the bills; one thousand five hundred pounds to the commissioners for signing and exchanging the said bills; one thousand five hundred pounds to Alexander Parris, Treasurer, in lieu of all commissions and salaries in paying and receiving any publick monies whatsoever, and as acting as Commissary General, one thousand pounds; to repairing the front of the fortification of Charles City, and removing the posts on the back of the city and

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placing them on the front, and for providing the ballast, two thousand pounds; to three hundred pounds sterling to be paid the Agent, in the current money of this Province, in case the enumeration of rice be taken off, one thousand eight hundred pounds; to Messrs. Godin and De La Conseillere, one hundred and fifty pounds; to Mrs. Elizabeth Blake, eighty nine pounds thirteen shillings; to a Schoolmaster in Charles City and Port, if he comes, fifty pounds; to Mr. Barry, for transcribing the laws compiled by Mr. Trott, three hundred pounds; to Mr. Whitaker, thirty pounds; to Mr. Hamilton's account, twenty-nine pounds two shillings; to Mr. Taylor's account, for engrossing three Acts, thirty pounds; to Colonel Barnwell, fifty pounds; to Major Hepworth, twenty-four pounds; to the Brick Church, one thousand eight hundred sixty-one pounds five shillings—which in all amounts to forty-nine thousand one hundred thirty-two pounds.

*Per Contra.**Cr.*

By outstanding debts, payable to the Publick Receiver, one thousand pounds; by computation of duties that will come in by the 25th March, one thousand pounds; by cash in the hands of the Commissioners of the Tax, three thousand pounds; by computation of duties that may come into the Treasury from the 25th of March to the 25th of September, 1723, three thousand pounds; by cash in the hands of the Commissioners of the Indian Trade, eight hundred and seventeen pounds; by an overcharge in the Sloop to St. Augustine, ninety pounds; by cash in the hands of the Honorable Arthur Middleton, Esq. on Mr. Blew's account, twenty-five pounds; by a deduction out of the estimate of what is allowed to Colonel Parris, as Commissary, two hundred pounds—which in all amounts to nine thousand one hundred thirty-two pounds.

No. 472. *AN ACT* FOR THE REPRINTING THE PRESENT CURRENT PAPER BILLS OF CREDIT, AND FOR PRINTING THE ADDITIONAL SUM OF FORTY THOUSAND POUNDS IN BILLS OF CREDIT, FOR PAYING OFF THE PUBLICK DEBTS, DEFRAYING THE CONTINGENT CHARGES AND OTHER EMERGENCIES OF THE GOVERNMENT, TO THE FIVE AND TWENTIETH DAY OF SEPTEMBER NEXT.

Preamble. WHEREAS, it is very uncertain what quantity of Bills of Credit are now current in this Province, many of them being counterfeited, and they being now so old that it is absolutely necessary that they should be called in and reprinted; and whereas, by reason of the late great floods, many of the inhabitants have lost their crops, and most have suffered so much by the same that they are rendered incapable to pay the yearly tax necessary to be raised for the support of the Government of this Province; therefore, in order for the reprinting of the Bills of Credit now in this Province, and paying off the publick debts and providing for the contingent charges of the Government, unto the twenty-fifth day of September next, we pray your most sacred Majesty that it may be enacted,

I. *And be it enacted* by his Excellency Francis Nicholson, Esq. Governour, by and with the advice and consent of his Majesty's honourable

Council and of the Commons House of Assembly, That Capt. William Dry, Major Thomas Hepworth and Henry Howser, be and they are hereby appointed commissioners to put in execution the several powers and authorities herein after mentioned, in such manner as by this Act is herein after directed and declared, and shall be called by the name of the Commissioners for reprinting the Paper Credit of this Province. A. D. 1723.
Commissioners appointed.

II. *And be it further enacted*, That the said commissioners shall have power, and they are hereby authorized, to print the sum of one hundred and twenty thousand pounds in bills of credit, the lowest bill to be five shillings and the highest twenty pounds, to be used and disposed of in manner as is herein after directed. Bills of credit to be issued to the amount of £120,000.

III. *And be it further enacted*, That all the bills so to be printed and issued out by the commissioners aforesaid, by virtue of this Act, shall be indented, and the counterpart of the indenture kept in a book for that purpose to be provided by the said commissioners, and that each of the said bills shall be numbered, and the counterpart of each bill shall have the same number as the bill, to the intent that if any person shall suspect any of the said bills to be counterfeited, razed or altered, such person may compare the indenture of the said bill with the counterpart thereof; and the said commissioners are hereby required to lodge the said book of counterparts in the hands of the Treasurer of this Province, to be produced to any person that shall desire to compare any of the aforesaid bills therewith, without fee or reward; and the said bills and each and every of them shall also be signed and stamped with the seal of the said commissioners; and the said commissioners shall cause each of the said bills to be stamped with the value or denomination thereof; and shall take all such further and other necessary ways and means to prevent the said bills from being counterfeited, as they in their discretion shall think fit. To be indented and numbered.

IV. *And be it further enacted*, That all and every the aforesaid bills of credit, to be printed and issued out by virtue of this Act, shall be current in all payments for the sum of money therein mentioned, and shall be taken and deemed a good tender in law; and in case any person shall refuse to accept any of the said bills, being tendered in payment, that the person who shall have tendered the same may on any action brought for the sum so tendered, give such tender, refusal, and this Act, in evidence, on the general issue pleaded, which shall be taken and deemed as an absolute discharge of the said debt, and shall perpetually bar the plaintiff from recovering such sum so tendered as aforesaid. Made current in all payments.
Penalty on refusing them.

V. *And be it further enacted*, That any person or persons whatsoever that shall counterfeit, raze or alter any of the bills so to be issued out by virtue of this Act, or shall offer the same in payment, knowing the same to be counterfeited, razed or altered, and every person and persons that shall aid, assist, abet or procure the counterfeiting, razing or altering such bills, being thereof duly convicted, are hereby declared and deemed to be guilty of felony, and shall suffer death as felons without the benefit of clergy. Penalty on counterfeiting

VI. *And be it further enacted*, That the said commissioners shall, on or before the first day of December next, call in all the bills now outstanding, and appoint so many days in every week for the calling in the same; that they enter in a book to be kept for that purpose the name of the person bringing in any bills, the sort, number and value of the bills delivered, in the presence of the party bringing the same, and that they put the bills so brought in on a file or bundle; and the said commissioners are hereby impowered to deliver unto the proprietor of the old bills, new bills, in Outstanding bills to be called in.

A. D. 1722.

value equal to the old bills, and shall in like manner enter the same in the presence of the party to whom they shall be delivered.

And burnt.

No outstanding bills to be made a legal tender.

VII. *And be it further enacted*, That all the bills that shall be delivered to the said commissioners and filed or bundled, according to the directions of this Act, shall, on or before the fifteenth day of January next ensuing, be by the said commissioners burnt, in the presence of his Excellency the Governour or commander in chief for the time being, and any two members of his Majesty's honourable Council, and in the presence of the Speaker and of any five of the members of the Commons House of Assembly; and that after the said first day of December now next ensuing, none of the bills now outstanding shall be a lawful tender, or of value to any person or persons whatsoever.

Directions as to cancelling this new emission.

VIII. *And be it further enacted*, That all and every the last mentioned bills, that shall be issued out instead of the bills now outstanding, shall be sunk and cancelled according to the several laws now in being, that is to say, the sum of eight thousand pounds, part thereof, pursuant to an Act entituled an Act for raising the sum of fifty-two thousand pounds, by stamping and establishing new Bills of Credit and putting the same out to interest, in order to call in and sink the former Bills of Credit, and thereby give a further encouragement to trade and commerce, ratified the fifth day of June, in the year of our Lord one thousand seven hundred and twelve; and the residue of the said bills to be sunk at four thousand per annum, pursuant to one other Act passed in the first sessions of this present General Assembly, entituled an Act for raising the sum of seventeen thousand two hundred and forty-eight pounds on lands and slaves, for defraying the charges of the several forts and garrisons, discharging the publick debts, and providing for the other emergencies and contingent charges of the Government.

Disposition of the funds now to be raised.

IX. *And be it further enacted*, That the said commissioners shall pay the sum of forty thousand pounds into the hands of the publick Treasurer of this Province, to be by him paid in manner as is herein after directed; and any other sum that may remain in their hands after they have exchanged all the old bills of credit for new, shall likewise be paid into the hands of the said Treasurer of this Province; which said sum or sums of money be and the same is hereby appropriated towards the charge of the Government and the debts due by the publick, until the five and twentieth of September next, to be paid by the said Treasurer according to the several Acts and orders of the General Assembly.

Disposition of the £40,000 by the Treasurer.

X. And whereas, it does appear, by the estimate of the publick debts that are now due and will be due by the five and twentieth day of September next, according to a schedule of the same hereunto annexed, that the same amount to the sum of forty-nine thousand one hundred and thirty two pounds, and there being already provision made by cash in the hands of the Commissioners of the Tax, the Commissioners of the Indian affairs, and in the publick Treasury, by duties already received or which may be received by the said five and twentieth day of September next, for the payment and discharge of the sum of nine thousand one hundred and thirty two pounds, being part of the said sum of forty-nine thousand one hundred and thirty-two pounds; and there remaining the sum of forty thousand pounds to be provided for the discharge of the remaining part of the said debts—that the same may be done to effect, *Be it enacted* by the authority aforesaid, That the Treasurer of this Province is hereby ordered and directed to pay out of the forty thousand pounds that shall be put into his hands by the said commissioners for reprinting the bills, and out of all and singular the publick moneys he shall receive by duties or otherways,

(except the duties appropriated by law for building and finishing the brick Church in Charles City and Port,) the several sums of money mentioned in the said schedule of debts hereunto annexed, after the manner following, that is to say, all such debts as are due or will be due by virtue of any laws in force in this Province, are to be discharged and paid according to the directions of such laws: the article for payment for the heads of beasts of prey, is to be paid according to the method prescribed by the late law for that purpose; the article relating to repairs of Johnson's Fort, is to be paid upon certificate from his Excellency in council, from time to time, that they have passed and allowed the several accounts relating to those repairs; the articles for payment of any moneys mentioned to be due to any particular person in the said schedule, are to be paid to such persons, they giving a discharge to the said Treasurer for such sums; and for all other sums mentioned in the said schedule there shall be no money paid, on any of the said funds, though appropriated, but by an order or orders of the General Assembly: Provided also, that the one thousand pounds directed to be paid by the said schedule to Nicholas Trott, Esq. shall not be paid by the Treasurer to the said Nicholas Trott or to his use before his Majesty's royal pleasure and lycence shall be had and obtained for payment of the same; and that the said Nicholas Trott shall also deliver into the hands of the said Treasurer a fair transcript of the laws of this Province, by him compiled, and for the compiling of which the said one thousand pounds was agreed to be allowed him, before such payment; any thing in this Act or in any other Act, order or ordinance, to the contrary thereof in any wise notwithstanding: Provided also, that the fifteen hundred pounds directed to be paid by the annexed schedule to Joseph Boone, late Agent for this Province, shall not be paid by the said Treasurer to the said Joseph Boone or to his use before his Majesty's royal pleasure and lycence shall be obtained for the payment of the same.


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XI. *And be it further enacted* by the authority aforesaid, That the said publick Treasurer, or the publick Treasurer for the time being, shall upon no account or pretence whatsoever pay any sum or sums of money appropriated by this Act, and specified in the schedule hereunto annexed, for any other use or purpose than as the same is directed to be paid as aforesaid, under penalty of forfeiting the penalties of the bonds given for the due performance of his office, and to be rendered incapable of serving any longer in the said office; and the said publick Treasurer shall receive in lieu of all commissions and salaries in paying and receiving any publick money whatsoever, and as acting as commissary of the garrisons, after the rate of one thousand pounds per annum; any thing in the Duty Act, or in any other Act, law, usage or custom, to the contrary thereof notwithstanding; which salary is to commence from the first day of January last past.

Duty and pay
of the publick
Treasurer.

XII. *And whereas*, Joseph Massy has been agreed with by the General Assembly to print the said sum of one hundred and twenty thousand pounds, for the due performance of the same and to prevent as far as may be any counterfeiting the said bills, and that there may be no more printed than are appointed by the directions of this Act, *Be it enacted*, That there shall be but three copper plates engraven by the said Joseph Massy, each plate containyng four sorts of engravings for four sorts of bills, that is to say, the first plate shall contain twenty pounds, fifteen pounds, twelve pounds, and eight pounds, of each of which sums there shall be but one thousand bills printed; and the second plate shall contain six pounds, four pounds, two pounds and

Directions for
printing the
Bills of Credit

A. D. 1722.  one pound, of each of which sorts there shall be but two thousand bills printed; and the third plate shall contain ten shillings, seven shillings and six pence, six shillings and three pence, and five shillings bills, and of each of which sorts there shall be but twenty-seven thousand one hundred and thirty bills printed.

Commissioners to attend to the printing of the bills, XIII. And for the more certain performing of the premises, *Be it further enacted*, That one of the said commissioners appointed by this Act, weekly, in their turns, shall constantly attend the printing of the said bills from day to day, from the commencement of the said work until the finishing thereof, and shall take special care that there be no more printed than are appointed by this Act, and shall as often as he adjourns, and also every night, lock up in a box appointed for that purpose, the said copper plates, and all the bills printed for the said time or day that he has attended as aforesaid.

And to enter into bond and take an oath. XIV. *And be it further enacted*, That as well the said Joseph Massy as the said commissioners, and all other persons whatsoever required to execute any part of this Act, shall separately enter into bond in the Secretary's office, to his Majesty, for the use of this Province, in the sum of five thousand pounds, with condition for the true performance of the duties enjoined them by law, and shall also make oath before his Excellency the Governour or the commander in chief, in Council, to well and faithfully execute all and singular the powers and authorities given them by the directions of this law, which bonds and oaths shall be by them given and taken within ten days after the passing of this Act.

Taxes to amount of £40,000 when to be raised. XV. *And be it further enacted*, That the said sum of forty thousand pounds, so to be appropriated as aforesaid, shall be called in, sunk and cancelled, by virtue of eight general taxes, that is to say, the sum of five thousand pounds per annum; the first to be raised in the year of our Lord one thousand seven hundred and thirty-eight; the second in the year of our Lord one thousand seven hundred and thirty-nine; the third in the year of our Lord one thousand seven hundred and forty; the fourth in the year of our Lord one thousand seven hundred and forty-one; the fifth in the year of our Lord one thousand seven hundred and forty-two; the sixth in the year of our Lord one thousand seven hundred and forty-three; the seventh in the year of our Lord one thousand seven hundred and forty-four; and the eighth in the year of our Lord one thousand seven hundred and forty-five. And after the twenty-fifth day of March, which will be in the year of our Lord one thousand seven hundred and forty-five, none of the bills to be raised and issued by virtue of this Act shall be a lawful tender or value to any person or persons whatsoever.

Allowance to the commissioners and printer. XVI. *And be it further enacted*, That the said commissioners for their pains, trouble and expences of themselves and clerks, and for all other charges, shall be allowed the sum of fifteen hundred pounds; and Joseph Massy, for making the plates, engraving the same, printing, stamping all the bills, finding paper for the same, and for all and all manner of charges about or concerning the printing and stamping the said bills, shall be allowed and paid the sum of fifteen hundred pounds, and shall follow all such orders as he shall from time to time receive from the commissioners hereby appointed.

Provision in case of death or refusal to act. XVII. *And be it further enacted*, That if any of the said commissioners shall dye, go off this Province, or refuse to act, that then it shall be lawful for his Excellency the Governour, or the commander in chief for the time being, by and with the advice of his Majesty's honourable Council, to

appoint another commissioner in room of him so dead, gone off, or refusing to act, who shall so continue until the meeting of the General Assembly. A. D. 1722.

JA. MOORE, *Speaker*.

Council Chamber, Charles City and Port, February 23, 1722.

Assented to by FR. NICHOLSON, *Governour*.

NOTE.—Repealed by order of the Lords Justices in Council, in England, August 27, 1723; and see Act of February 15, 1723.

AN ACT for authorizing the General Court in Charles City and Port to exercise several powers and privileges allowed to the County and Precinct Courts in this Province, and some other Regulations. No. 473.

(Enacted in July Sessions, 1722, but dated from the Council Chamber of Charles City and Port, February 23, 1722. *See last volume.*)

AN ACT for establishing a Ferry over Santee River, and for vesting the privileges and advantages of the same in Ralph Jerman. No. 474.

(Dated February 23, 1722. Expired. The original Act not now to be found.)

AN ORDINANCE of the General Assembly for appointing John Croskeys Country Waiter. No. 475.

(Dated February 23, 1722. Original Act not now to be found.)

AN ACT for the better ordering and governing of Slaves. No. 476.

(Enacted in the July Sessions of 1722, but dated from the Council Chamber, February 23, 1722. *See last volume.*)

AN ACT FOR GRANTING TO HIS MAJESTY A DUTY AND IMPOSITION ON NEGROES, LIQUORS, AND OTHER GOODS AND MERCHANDIZES, FOR THE USE OF THE PUBLICK OF THIS PROVINCE. No. 477.

WHEREAS, it is absolutely necessary to raise a fund and make provision for defraying the charges and expenses of the Government, we therefore humbly pray his most sacred Majesty that it may be enacted,

I. *And be it enacted* by his Excellency Francis Nicholson, Esq. Governour, by and with the advice and consent of his Majesty's honourable
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Enumeration of
duties on
imports.

Council and the Assembly of this Province, and by the authority of the same, That from and after the ratification of this Act, all and every the rates, duties, and impositions hereafter mentioned and expressed, shall be laid, imposed and paid for all negroes, liquors, goods, wares and merchandizes hereafter specified and enumerated, for the use of his Majesty, which we humbly pray may be applied as this Act or any other Act of the General Assembly of this Province shall direct and appoint, and to no other purpose whatsoever; that is to say, on every pipe of Madera wine, six pounds; on every pipe of Fyall wine, ten pounds; on every gallon of vinegar, two pence; on every gallon of rum, four pence; on every barrel of beer, ten shillings; on every barrel of syder, imported from the northern Colonies, ten shillings; on every gallon of molasses, three pence; on every gallon of limejuice, six pence; on every quart bottle of brandy, rosa solis, or other spirits, (rum excepted) six pence; on every gallon of the same imported in casks, two shillings; on every hundred weight of brown or muscovado sugar, two shillings and six pence; on every hundred weight of white clayed sugar, five shillings; on every pound of refined sugar, three pence; on every hundred of cocoa, fifteen shillings; on every pound of chocolat made up, twelve pence; on every hundred weight of tobacco, imported from any of the American plantations, fifteen shillings; on every hundred weight of butter, ten shillings; on every hundred of cheese, five shillings; on every hundred weight of candles, ten shillings; on every hundred weight of tallow, seven shillings and six pence; on every hundred weight of salt fish, five shillings; on every barrel of herrings, mackrell, or other pickled fish, ten shillings; on every barrel of pork, thirty shillings; on every barrel of beef, ten shillings; on every barrel of cranberries, ten shillings; on every barrel of train oil, seven shillings and six pence; on every barrel of blubber, five shillings; on every hundred weight of brown bisket, one shilling and three pence; on every hundred weight of white bisket, two shillings and six pence; on every hundred weight of midling bisket, two shillings; on every half barrel of flower, two shillings and six pence; on every hundred weight of hams and bacon, twenty shillings; on every hundred weight of soap, twenty shillings; on timber, plank, boards, staves, shingles, or any other lumber, imported from any of the American plantations, twenty pounds per cent.; and on all other wooden ware, five per cent.;—on every thousand of bricks imported from the American plantations, two shillings and six pence; on every horse and mare under fifteen hands high, ten pounds, which duty shall not commence till six months after the ratification of this Act, and until then five pounds for every horse and mare; on all negro slaves imported from Africa directly, or any other place whatsoever, Spanish negroes excepted, if above ten years of age, ten pounds; on all negroes under ten years of age, (sucking children excepted) five pounds, and in case of any disputes about the age of such negroes, any two justices of the peace are hereby declared to be judges, and the said justices are hereby required to certify their judgement under their hands to the Publick Receiver accordingly, by which judgement he shall impose the aforesaid duties; on all Indians imported, fifty pounds; on all deer skins imported, six pence a skin; on every barrel of pitch and tarr imported, twenty shillings; on scraped ginger, ten shillings per hundred; on every hundred weight of scaled ginger, two shillings and six pence; on every cagg of pickled sturgeon, two shillings and six pence; on every cagg of pickled salmon, two shillings and six pence; on every pound of preserves, sweet-meats and suckets, three pence per pound; on every pound of spermaceti, two shillings and six pence; on every gallon of spermaceti

oyle, two shillings and six pence ; on every hundred weight of bees-wax, ten shillings ; on every hundred weight of mirtle wax, seven shillings and six pence ; on every bushel of peas and Indian corn, after the twenty-ninth day of September next, twelve pence per bushel ; on every pound of Indigo, twelve pence ; on every barrel of onyons, ten shillings ; on every barrel of apples or pears, two shillings and six pence ; on every pound weight of whale-bone, twelve pence ; on all liquors before enumerated, which do not pay duty by the gallon, shall pay in proportion according to the bigness or size of the cask, to be accounted as the duty is laid per pipe ; on every pound of beaver imported, six pence per pound ; on every dozen of otter, fox, catt, or raccoon skins, one shilling per dozen ; on every hundred weight of pimiento, five shillings ; on every ton of logwood, ten shillings ; on all European goods imported, the sum of one pound per cent. sterling on their prime cost from Europe, rating the difference of exchange at four hundred per cent. in the current money of Carolina ; and that all negroes, liquors, goods, wares, or other merchandize mentioned in this Act, which shall be imported into this Province, as also all other goods, wares, or merchandize, not in this Act enumerated, which shall be imported into this Province and reshippt from on board the vessel they were imported in, in any other vessel, shall pay the several duties in this Act as if landed on shoar ; and all goods wares and merchandizes mentioned in this Act, that shall be imported and reshippt as aforesaid, or the same landed, shall pay the same duty as if landed on shoar, and shall be entituled to the same drawbacks. *On goods exported :* On every pound of tan'd leather exported, two pence ; on every side of neat leather, two shillings and six pence ; on every tan'd calf skin and deer skin, one shilling ; on every raw hide, five shillings ; on every Indian drest deer skin a pound and upwards, six pence ; on every Indian drest deer skin not weighing a pound, three pence ; on every raw deer skin, six pence.

A. D. 1722.

Goods reshippt
for exportation
liable to the
duties.

Duties on ex-
ported goods.

II. *And be it further enacted* by the authority aforesaid, That every master or commander of every ship or vessel arriving in the harbour before Charles City, shall within forty-eight hours after bringing the said ship or vessel to an anchor before this City and Port, deliver in writing to the Comptroller a manifest signed, and upon oath, of all such negroes, liquors, goods, wares and merchandizes whatsoever, as shall be imported in such ship or vessel, with the marks and numbers, and to whom consigned, upon the penalty of fifty pounds, to be recovered and disposed as is hereafter directed, an attested copy of which manifest the Comptroller shall forthwith deliver to the Treasurer.

Masters of ves-
sels to deliver
in a manifest
on oath.

III. And whereas, it has proved to the detriment of some of the inhabitants of this Province, who have purchased negroes imported here from the Colonies of America, that they were either transported thence by the Courts of justice, or sent off by private persons for their ill behaviour and misdemeanours, to prevent which for the future, *Be it enacted* by the authority aforesaid, That all negroes imported in this Province from any part of America, after the ratification of this Act, above ten years of age, shall pay unto the Publick Receiver as a duty, the sum of fifty pounds, and all such negroes under the age of ten years, (sucking children excepted) the sum of five pounds of like current money, unless the owner or agent shall produce a testimonial under the hand and seal of any Notary Publick of the Colonies or plantations from whence such negroes came last, before whom it was proved upon oath, that the same are new negroes, and have not been six months on shoar in any part of America ; provided nevertheless, that a certificate under the hand and seal of any magistrate, shall be deemed valid for six months after the ratification of

Duties on im-
ported negroes

To be certified
as new negroes.

A. D. 1723.

this Act as usual, and no longer; provided also nevertheless, that such person or persons not producing a testimonial as above directed, shall have the liberty of six months time, to send for and obtain such a testimonial, and if he or they shall within the said six months produce to the Comptroller of this Province such a testimonial as aforesaid; or if any master or mate of any such ship or vessel, merchant or factor, or other person importing negroes into this Province from the Colonies or any other part of America, cannot produce a testimonial as in this clause above directed, it shall and may be lawful for the Comptroller of this Province to take the oath of such master, mate, merchant or factor, or any other person importing such negro or negroes, that the same are new negroes, and have not been on shoar six months in any part of America, which if such proof be made pursuant to the intent and meaning of the said clause, then and in either of the cases herein above mentioned, the importer or importers shall not pay any more duties for the said negroes than is by this Act imposed and payable for negroes imported directly from Africa; and in case it shall be discovered that such negroes, which by such certificate or oath as aforesaid are alledged to be new negroes, have been resident in the Islands or any part of America above six months, then such importer shall forfeit the sum of one hundred pounds for every such negro.

On oath.

Duty on imported Spanish negroes, mulattoes, and Indians.

IV. And whereas, the importation of Spanish Indians, mustees, negroes, and mulattoes, may be of dangerous consequence by inticing the slaves belonging to the inhabitants of this Province to desert with them to the Spanish settlements near us, *Be it therefore enacted*, That all such Spanish negroes, Indians, mustees, or mulattoes, so imported into this Province, shall pay unto the Publick Receiver, for the use of this Province, a duty of one hundred and fifty pounds, current money of this Province.

Madera wines to be certified pure.

V. And for the more effectual prevention of the importation into this Province of any wines of the growth of Fyall, or any other of the western Islands, from New England or any other of his Majesty's plantations in America, and uttered and sold as wines of the growth of Madera, *Be it enacted* by the authority aforesaid, That the master of every such ship or vessel, shall produce a certificate from the person who shall ship the said wine, that the wines so shipped are of the growth and produce of the said Island of Madera, and that the said wines have not in any manner of way been adulterated since they were landed in the said place, which certificate being sworn to by the said shippers, shall be produced at the time of such importation, and shall be attested under the hand and seal of the Collector or Naval Officer in the said place where such wines were shipped, and if consigned to the master or merchant coming in the said ship or vessel, or to any merchant living and abiding in this Province for disposing of the said wines, the person who enters the said wines, shall besides such certificate before the landing such wine, take the following oath before the Comptroller, who is hereby empowered to administer the same. I, A B, do swear that the wines I do now import, have not been any ways adulterated since they came into my custody or on board my ship or vessel, and that to the best of my knowledge they are of the growth of the Island of Madera, so help me God. And all persons that shall refuse to take the said oath, they importing any wines, the wines so imported shall be deemed as wines of the western Islands and pay duty accordingly.

Form of oath.

VI. *And be it further enacted* by the authority aforesaid, That every master of any ship or vessel, merchant or other importing any of the aforesaid goods, on which any imposition is laid, shall before he or they

shall break bulke, make a general entry or manifest of his loading, which signed by him, he shall deliver to the Comptroller upon oath, containing the marks and numbers, with the name of the master and vessel importing the same, one of which said entries shall be by the Comptroller filed and entered in a book by him kept for that purpose, the other two entries signed by the said Comptroller shall be delivered to the Treasurer of the Province, who shall sign and file one of them, and also endorse the third entry, certifying that the several duties therein contained are paid, and the Treasurer is to deliver or send the third entry to one of the waiters as a permit for landing of the said goods, and the said waiters are to give notice thereof to the master of any vessel therein concerned, and the waiter or waiters are to keep a regular file of all such entries and permits so transferred to them by the treasurer, to be perused by his Majesty's Council, or a committee of the Commons House of Assembly, upon the examining and settling the public accounts.

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Manifest to be exhibited to the comptroller and filed.

Certificate of payment of duties.

VII. And for the better collecting the duty of goods exported, *Be it further enacted* by the authority aforesaid, That every person whatsoever intending to ship or export any goods, wares or merchandize lyable to pay duties, shall before the shipping of the same, three entries make, containing the marks, numbers and contents, with the name of the master and vessel, with the place they are bound to, to the Comptroller deliver, on his or their corporal oath, who is hereby impowered and required to give the same, that the entries are an exact account of all such goods intended to be shipped as aforesaid; and the said entries are to be filed, delivered, transmitted, in such manner and form as is above directed for entry of goods imported; and the master or owner of every vessel on which such goods are exported, shall upon his oath, a true and general report of all goods shipped on board the said vessel, to the Treasurer and Comptroller return, before he departs this port, or have a permit for the same; and the powder receiver is hereby required and commanded not to permit any vessel to depart this port until the treasurer shall first grant to him a permit for the same.

In case of exported goods, three entries to be made of marks, numbers and contents.

Permit made necessary.

VIII. And to the end that the rates and duties laid and imposed on negroes, liquors, goods and merchandize, may be better and more speedily collected by the treasurer, *Be it enacted* by the authority aforesaid, That from and after the ratification of this Act, all sums of money payable to the treasurer for any negroes, liquors, goods and merchandize exported out of, and imported into this Province, shall be paid by the exporter or importer, before the same be put on board, or taken from on board of any vessel whatsoever, in order to be exported out of, or imported into this Province, that shall be imported by merchants who are actually residing in this Province, which said merchants shall not be liable to pay the said duty on such negroes so imported, in less than three months after such importation, if they desire that time for forbearance, provided that they pass notes payable to the treasurer, to pay the said duties at the expiration of the said three months as aforesaid; and that all transient factors shall have the same liberty upon their entering into bonds to the treasurer with sufficient suretys, being inhabitants of this Province, that they will pay the said duties in the time aforesaid, or sooner if they depart the Province; and the treasurer is hereby required not to deliver any permits for the shipping on board, or landing on shoar,

Duties to be paid before goods are landed or shipped.

Transient factors to find security.

A. D. 1722.

any of the said negroes, furs, liquors, goods and merchandize, for which said duties are due and payable, until the said duties are actually paid.

Persons making entry to be liable for duties.

IX. And for the more effectual preventing any frauds, *Be it enacted* by the authority aforesaid, That as well the master of every ship and vessel, importing any negroes, liquors, goods and merchandize, as any merchants or other person or persons whatsoever, who shall sign entry or entries of any negroes, liquors, goods and merchandize, shall at the choice of the treasurer, be liable to pay the duties for such and so much thereof contained in the master's manifest, or in any entry or entries so made by any merchant or merchants, or any other person whatsoever, in case the duty shall not be duly paid by the said master, merchant or other persons whatsoever entering the same; and it shall and may be lawful to and for the master of every ship or other vessel, to secure and detain in his hands, at the owners risque, all such negroes, wines, liquors, goods and merchandizes, imported in such ship or vessel, until he be certified by the treasurer that he received the duties according to this law, and until the treasurer shall grant a permit for landing the same; or such master may shew such negroes, liquors, goods, wares or merchandize to the treasurer, who is hereby empowered to seize them, and to sell at publick vendue, so much of the said goods as will pay the said duties, in case the said duties is not paid in fifteen days after the day of seizure, and shall return the rest of the said goods and overplus of the money, if any there be, to the owner or proprietor of the said goods, or to the person to whom the said goods are consigned, the treasurer deducting his reasonable charges of storage and other common incident charges, and until he be repaid his necessary charges in securing the same.

A permit to be granted on payment of duties.

Comptroller to give bond for due performance of his duties.

X. *And be it further enacted* by the authority aforesaid, The Comptroller that shall be from time to time nominated, by an Ordinance of the General Assembly, shall and is hereby required, before his entry upon the execution of his said office, to enter into bond to his Majesty, his heirs and successors, in the sum of one thousand pounds, for his faithful execution of his office, according to the several powers, authorities, limitations and restrictions by this Act prescribed.

Oath to be taken by the master of the vessel.

XI. *And be it further enacted* by the authority aforesaid, That at such time as the master of any vessel doth make his general entry or manifest with the Comptroller, he shall make oath that he hath not put on shoar in the port of Charles City, or in any other port, river or creek in this part of this Province, or put into any boat or vessel, in order to the landing, any negroes, liquors, goods, wares or merchandize, herein before rated, before his or their general entry; and if any master of any ship or vessel, merchant, factor, mariner, or any other person whatsoever, shall transgress in any thing aforesaid, the said negroes, liquors, goods, wares or merchandizes so put on shoar, or put into any boat or vessel in order to the landing the same, shall be forfeited and condemned in manner and form as is hereafter provided; and all manner of persons are hereby required to be aiding and assisting to the said treasurer, comptroller, waiters, or any other agents, informers, discoverers, seizers, in case of their meeting with opposition in their actual seizing all negroes, liquors, goods, wares and merchandizes unladen or landed contrary to the true intent and meaning of this Act, under the penalty of twenty-five pounds, to be levied, recovered and disposed of, to such uses as other forfeitures accruing by this Act are ordered and appointed.

Penalty on transgression.

XII. *And be it further enacted* by the authority aforesaid, That the two persons that shall be nominated by an Act or Ordinance of the General Assembly of this Province, shall be and they are hereby appointed the publick waiters, gaugers and searchers, to execute all such powers and authorities as are given them by this Act, and shall dayly give their attendance at the several wharfs and landing places in Charles City, and at all such times and places as they shall be ordered and directed by the treasurer and comptroller for the time being, and to follow and observe such orders and instructions as shall be given them by the said treasurer and comptroller, and to be aiding and assisting to the said treasurer and comptroller in all matters and things for or relating to the execution of this Act; and if the said waiters or any of them shall neglect and refuse, or make default in any of their dutys enjoyned them by this Act, then he or they making such default, shall forfeit the sum of one hundred pounds, to be recovered and disposed of as hereafter mentioned; and each of the said waiters shall be allowed the sum of fifty pounds yearly, to be paid to each of them at the end of every quarter, and so for a lesser and greater time, out of the publick treasury, and the treasurer is hereby ordered to pay the same accordingly; and the said waiters shall be accountable to, and be displaced by the General Assembly.

A. D. 1722.

Waiters to be appointed.

XIII. *And be it further enacted* by the authority aforesaid, That no master of a vessel coming from any of the British or foreign plantations, shall unload or put on shoar, any negroes, liquors, goods, wares and merchandize, but in the day time, between sunrising and sunsetting, under the penalty of having all such negroes, liquors, goods, wares and merchandizes seized and forfeited in manner and form as is hereafter provided.

No vessel to be unloaded but in the day time.

XIV. And whereas several frauds and deceits are dayly committed by the liberty taken by the master, owner, super-cargoes or other persons belonging to any vessel, by selling goods on board by retail or wholesale, for the preventing thereof for the future, *Be it enacted* by the authority aforesaid, That from and after the ratification of this law, no master, owner, super-cargoe, or any other person whatsoever, shall keep store or shop on board any vessel that shall come to this Province, or sell goods on board by retail or wholesale, (salt, turtle and corn excepted,) under the penalty of having all such goods, liquors, wares and merchandize forfeited as aforesaid, as likewise over and above, the sum of forty pounds current money, to be recovered as is hereafter directed and appointed.

No store to be kept on board a vessel except for salt, turtle and corn.

XV. And for the preventing disputes that may arise between the importer of liquors and the treasurer, comptroller, or waiter, *It is hereby declared* that the importer shall without gauging, be allowed ten per cent. for leakage upon his invoice and entry made as aforesaid; but if the owner and importer shall suspect his leakage to be more than ten per cent. then the waiter or waiters shall gauge the same, and such leakage, if entered with the comptroller, and not otherwise, shall be allowed accordingly; and if at any time the treasurer, comptroller or waiters aforesaid, shall suspect that any cask or hogshead hold out to a greater quantity than it is entered for, then they shall gauge or weigh the same, and if it holds out more as aforesaid, then the importer shall pay the surplusage of the duty, and for the gauging or weighing each cask or hogshead to the treasurer, comptroller, or waiter, the sum of fifteen pence, and also make a new entry with the comptroller for such overplus as is before directed.

Ten per cent. wastage to be allowed.

XVI. *And be it further enacted* by the authority aforesaid, That if any skins and tan'd leather, or other merchandize, the produce of this Province, that are liable to pay duty by this law, shall be put on board any ship or vessel before due entry made as aforesaid, all and every the

Skins, &c. put on board without the duty paid, to be forfeited.

A. D. 1722.

said skins; tan'd leather, raw hydes and merchandize so put on board as aforesaid, are hereby declared forfeited, and to be recovered and disposed of to such uses as other forfeitures accruing by this Act are appointed and ordered.

Search warrant
may be
granted.

XVII. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for the treasurer, comptroller, or the waiters, his or their agents or informers, by virtue of a warrant from any justice of the peace to that purpose first obtained, with one or more constables, to search all manner of cellars, warehouses and shops, and the same may break open in the day time, if the owner refuse to suffer them to enter, for all such negroes, liquors, goods, wares and merchandizes as they or any of them shall be informed were carried there to be concealed, contrary to the true intent and meaning of this Act; and such negroes, liquors, goods, wares, and merchandize shall be forfeited in manner and form hereafter mentioned, provided the same be seized within three months after the offence is committed.

Power of the
waiters.

XVIII. *And be it further enacted* by the authority aforesaid, That the treasurer, comptroller or waiters be enabled and authorized, and they are hereby enabled and authorized to go and enter on board any vessel or vessels in the day time, and make search in all places and parts therein, and if need be to break open any locks or chests, casks, bales or other thing whatsoever, if denial be made of opening the same, and there seize and from thence bring on shoar, all skins, tan'd leather, raw hydes and other merchandize, whereof due entry hath not been made; and the said treasurer or his deputy, comptroller or waiters, are hereby enabled and authorized to do all other lawful matters or things which may tend to secure the true payment of the duties payable on the same; and if any person or persons shall forcibly resist, encourage or assist any person or persons to oppose or hinder the treasurer or his deputy, the comptroller or waiters, in the due execution of this Act, then and in such case every person for such offence shall forfeit and pay the sum of one hundred pounds, to be recovered and disposed of in such manner and form as is hereinafter mentioned.

Penalty on
resistance.

Negroes landed
and reshipped
within six
months.

XIX. *And be it further enacted* by the authority aforesaid, That if any of the aforesaid liquors, goods or merchandizes, or any negroes, be landed and afterwards exported within six months after the importation thereof, and not otherwise, the treasurer for the time being, shall discount or repay to the owners or their assignes, three fourth parts of the duties of the said negroes, liquors, goods and merchandizes, according to the rates before mentioned, if he or they so exporting the same, do before the said vessels sail hence, or in three months after, in which the said negroes, liquors, goods and merchandizes are so reshipped, make oath before the treasurer, who is hereby empowered to administer the same, that the said negroes, liquors, goods, wares and merchandize, were imported within the time limited, and paid duties as aforesaid, and the name of the ship or vessel and master, in which they were imported, that the treasurer shall then grant a permit to transport the same, the exporter first entering with the comptroller the quantity of the said goods, negroes and merchandizes so exported.

Duty of the
treasurer and
receiver.

XX. *And be it further enacted* by the authority aforesaid, That the person that shall be nominated and appointed treasurer of this Province by an Act of the General Assembly, is hereby appointed receiver of all dues and penalties and forfeitures, growing due and payable to his Majesty, for the use of the publick of this Province by this Act, and an account thereof shall fairly keep and render from time to time, as often as

he shall be thereunto required by his Majesty's Council or the Commons House of Assembly as aforesaid, and shall be liable to all the oaths, bonds, restrictions, fines, forfeitures and penalties, and shall take and receive all such fees, perquisites and profits, as by this Act is hereafter given.

A. D. 1722.

XXI. *And be it further enacted* by the authority aforesaid, That the person appointed treasurer of this Province, and who pursuant thereto takes upon him to execute the said office, such person shall immediately before the Governour and Council take the following oath, viz: I, A B, appointed treasurer of the Province of South Carolina, will truly and faithfully discharge the trust reposed in me as treasurer of the same; I will not issue, dispose, or apply, or cause to be issued, disposed, or applied, any money that may hereafter come into my hands as treasurer aforesaid, otherwise than is or shall be directed by this or any other Act or Acts, or written orders of the General Assembly of this Province, and I will keep true and faithful accounts of all the moneys or effects that is or may come into my hands or possession, and that shall be issued and paid by me, by virtue of any such Acts or orders, with times of my receiving and paying the same, so help me God. And if he shall neglect to take the said oath before he enters on the execution of his said office, he shall forfeit to the publick the sum of one thousand pounds, to be recovered against him by action of debt, in any Court of Record within this Province; and the said treasurer likewise, for the better security of the publick revenue, shall immediately enter into bond to his Majesty, his heirs and successors, in the penal sum of five thousand pounds current money, for the use of the publick of this Province, and shall sign two bonds of the same tenor and date, one of which bonds shall remain in the secretary's office of this Province, and the other with the speaker or clerk of the Commons House of Assembly.

Form of oath
to be taken.

XXII. *And be it further enacted* by the authority aforesaid, That if the said treasurer for the time being, shall dye, depart this Province, or cease to be treasurer, the Assembly not sitting, then and in such case, and not otherwise, the Governour for the time being, with the advice and consent of his Council, by a warrant under his hand and seal, shall empower and appoint a treasurer, and him so empowered and appointed shall continue to the next sitting of the General Assembly, and shall have the same power, perquisites and profits, and be under the same directions, and be subject to the same penalties, fines and forfeitures, as if he had been nominated by the General Assembly, which person so nominated and appointed, shall give the like bond with the like sufficient security, and to take the same oaths as is herein before prescribed and directed to be taken by the treasurer.

Case of the
Treasurer
dying or
absenting:

XXIII. *And be it further enacted* by the authority aforesaid, That in all and every such like case or cases, wherein a comptroller of the customs of the Province shall be wanting, as in the next above mentioned clause is set forth, with relation to the treasurer, then and in every such case, the said new comptroller shall be appointed by the Governour, and give bond in the sum of one thousand pounds to his Majesty, his heirs and successors, for the faithful execution of his said office, and shall continue in the same until removed by a vote of the Commons House of Assembly.

Bond in £1000.

XXIV. And for the more easy and regular dispatch of all persons concerned in the entering and clearing of vessels and other business relating to the publick duties, *Be it further enacted* by the authority aforesaid, That the treasurer and comptroller shall upon every day of the week, Sundays and holidays excepted, give their attendance in Charles City, at their office, for and during the space of three hours in the fore-

Attendance to
be given by the
Treasurer and
Comptroller.

A.D. 1722.

noon, that is to say, from the hour of nine to the hour of twelve; and if the treasurer and comptroller shall neglect doing their duty as aforesaid, they so neglecting shall forfeit the sum of ten pounds for every such their neglect or not attending as herein before directed, to be recovered and disposed of as is hereafter mentioned and prescribed.

Fines how to
be recovered.

XXV. *And be it further enacted* by the authority aforesaid, That all and every the respective fines and forfeitures, under ten pounds current money of this Province, which shall accrue and become due by virtue of this Act, shall be recovered as in the Act for the speedy recovery of small debts, and all the several fines and forfeitures, above ten pounds current money, shall and may be sued by action of debt, bill, plaint or information, in any Court of Record within this Province, wherein no essoign, privilege, protection, or stay of prosecution by *non vult ulterius prosequi* or otherwise shall be admitted or allowed; and the several and respective forfeitures that be recovered by this Act, shall be and remain for and to the use of this Province; and if any of the negroes, liquors, skins, goods, wares or merchandize aforesaid, be seized for an offence committed against this Act, or the property be claimed by any person or persons, as the importer or exporter thereof, the *onus probandi* shall lay upon the owner or claimer thereof, and it shall not be incumbent on any prosecutor or informer.

Onus probandi
on the claimant
of property.

No duty paya-
ble for more
than two voy-
ages in twelve
months.

XXVI. And whereas, sundry vessels trading from his Majesty's plantations do make several voyages here in one year, and are obliged every voyage to pay all port charges, which is a discouragement to trade, *Be it enacted* by the authority aforesaid, That if any vessel trading to and from this port to any place or port, shall happen to make more voyages than two within the space of twelve months, the said vessel or vessels shall for all voyages above two so made in the compass of twelve months, pay no other port charges than only the Governour and Secretary's fees.

Appropriation
of the duties.

XXVII. *And be it further enacted* by the authority aforesaid, That all and every sum and sums of money that shall become due and arising by virtue of this Act, shall be appropriated, ordered and disposed of towards paying debts due by the publick, and all other contingent charges of the Government, as shall be ordered and directed by any Act, order or ordinance of the General Assembly, and for no other use whatsoever.

Fees for duties
performed
under this Act.

XXVIII. And whereas, it is necessary, in order to prevent the treasurer and comptroller extorting from the inhabitants exorbitant fees, that their said fees should be ascertained, *Be it therefore enacted* by the authority aforesaid, That for every entry of goods imported, the person entering the said goods shall pay unto the treasurer the sum of two shillings and six pence, and to the comptroller the sum of five shillings for each entry inwards, and likewise for all entry of goods liable to pay country duties outward, five shillings for each entry; and every master of a vessel taking out from the treasurer a certificate of his having cleared with him, shall pay unto the said treasurer the sum of five shillings; and if the said treasurer or comptroller shall demand or take more than the above recited fees, he or they shall forfeit for every such offence, the sum of ten pounds current money of this Province, to be recovered in such cases as before directed.

Oath to be
taken by the
Comptroller
and Waiters.

XXIX. *And be it further enacted* by the authority aforesaid, That the comptroller and each of the waiters belonging to the customs of this Province, shall before they take upon them the charge of their respective offices, shall before the Governour and his Majesty's Council, take the following oath, *mutatis mutandis*, viz: I, A B, do sincerely swear, in the presence of almighty God, that I will faithfully discharge my trust as

comptroller or waiter of the customs of this Province, and to the best of my power, without favor or affection, put in execution all and every thing in this Act enjoined me as comptroller or waiter, so help me God. As also the oaths appointed by law, as the treasurer by this Act is appointed to do. A. D. 1722.

XXX. *And be it further enacted* by the authority aforesaid, That the treasurer shall out of the same duties so to be paid to him, have and receive to his own proper use, five pounds per cent. for all moneys he shall receive, and two and a half for all moneys he shall pay out of the same duties hereby ordered to be paid, during the time he shall continue to act as treasurer, in lieu of all salaries which are or have been allowed by any law or laws heretofore passed or enacted in this Province; any thing contained in such law or laws to the contrary thereof notwithstanding. Compensation to the Treasurer.

XXXI. *And be it further enacted* by the authority aforesaid, That one Act of the General Assembly of this Province, entituled an Act for granting to his Majesty a duty and imposition on negroes, liquors and other goods and merchandize, imported into and exported out of this Province, ratified the twenty-first day of September, one thousand seven hundred and twenty-one, and every clause, paragraph, matter and thing contained in the said law, be and are hereby declared repealed, annulled, and made void to all intents and purposes; provided nevertheless, that nothing in this Act shall extend to the repealing any clause whereby the present treasurer is made accountable for all or any of the moneys received or to be recovered and received by him, by virtue of any Acts or laws, as for the exempting any person or persons from paying any sums of money due from them to the publick, for or by reason of the duties arising by any of the said Acts or laws, or clauses of laws, of which actions may have been already or hereafter may be commenced, any thing in this Act to the contrary notwithstanding. Certain former Acts referred to.

XXXII. *And be it further enacted*, That the treasurer, comptroller and waiters, or any of them, are hereby fully authorized and impowered to seize any negroes, liquors, goods, wares or merchandize whatsoever, for which any duty is payable by virtue of this Act, that shall be brought from on board any vessel arriving from parts beyond the seas, or shall be taken from any of the wharfs, bridges, or other landings within the harbor of Charles City and Port, to be put on board any ship or vessel for exportation, without a permit being first had and obtained from the treasurer in writing; and all such goods so seized shall be forfeited, one half to his Majesty, to be applied to and for the use of the publick of this Province, and the other half to the person seizing and suing for the same. Negroes, liquors, &c. may be seized by the Treasurer for duties payable.

XXXIII. *And be it further enacted*, That no replevin be granted for any goods so seized pursuant to this Act, but that the chief justice of this Province may and is hereby impowered, to grant a writ of delivery for goods perishable only, according to the course of his Majesty's Court of Exchequer in South Britain. Replevin shall not lie for goods so seized.

XXXIV. *And be it further enacted*, That all the penalties and forfeitures arising on the breach of this Act, or of any part thereof, shall and may be sued for and recovered by action of debt, bill, plaint or information, in any court of record in this Province, wherein no privilege, protection, essoign or wager of law, *non vult ulterius prosequi*, or any more than one imparlance shall be admitted or allowed; and that the party prosecuting shall recover his full costs of suit. How penalties may be recovered.

* * * * *

XXXVI. *And be it further enacted* by the authority aforesaid, That all actions arising or accruing by the breach of any part of this Act,

A.D. 1722. shall be sued and commenced in six months after such breach, and not after; and that this Act shall continue and be in force, for and during the space of three years from the ratification thereof, and from thence to the end of the next session of the General Assembly, and no longer.

JA. MOORE, *Speaker.*

Council Chamber, Charles City and Port, February 23, 1722.

Assented to by FR. NICHOLSON, Governour.

No. 478. AN ACT FOR SETTLING A FAIR AND MARKETS IN CHILDSBERRY TOWN IN ST. JOHN'S PARISH, IN BERKLEY COUNTY.

Preamble.

WHEREAS, James Child, of Berkley County, Planter, by his last will and testament, duely proved and recorded, and remaining of record in the Secretary's office of this Province, did give and grant five hundred acres of land for ever, as a Common, to be laid out adjoining to the town commonly called Childsberry, as also the sum of six hundred pounds, to be placed out at interest for ever, towards the maintenance and support of a Free School, to be erected and built in the said town, as also a place for holding a Market in the said town; and whereas, the inhabitants of the said town are very much incommoded, as well for want of certain market days in each week, to be appointed for Childsberry town, in the said parish, as for want of publick fairs to be held and kept there, at least twice in every year, for exposing to sale horses, cattle and merchandize; for remedy whereof, and for the better encouraging the settling of Childsberry town, and that trade and commerce may be encouraged and encreased, we most humbly pray your most sacred Majesty that it may be enacted,

Public markets to be held twice a week in Childsberry Town.

I. *And be it enacted* by his Excellency Francis Nicholson, Esq. Governour, by and with the advice and consent of his Majesty's honourable Council and the Assembly of this Province, That there shall be held and kept in Childsberry town aforesaid, upon every Tuesday and Saturday in the week, publick and open markets, to which markets it shall and may be lawful to and for all and every the inhabitants and sojourners of this Province to go, frequent and resort, and thither to carry all sorts of cattle, grain and victuals, provisions and other necessaries, together with all sorts of merchandizes whatsoever, and at the publick market place already assigned and appointed for that purpose, them to expose to sale or barter, in gross or by retail, between sun-rising and sun-setting of the same days, without payment of any toll for three years, or any other let or hindrance or molestation whatsoever.

Two Fairs to be kept annually in said town.

II. *And be it further enacted* by the authority aforesaid, That there shall be likewise held and kept in Childsberry town aforesaid, two Fairs in each year, the first Fair annually to begin and commence the third Tuesday in May, in every year, and to end upon the Friday then next following, being in all four days inclusive, and no longer, and the second Fair to begin and commence the last Tuesday in October, in every year, and to end upon the Friday then next following, being in all four days inclusive, and no longer; to which Fairs it shall and may be lawful for all and every person or persons, inhabitants, strangers or sojourners of this Province, to the said Fairs to go, frequent and resort, and thither to carry or

cause to be carried, all sorts of cattle, horses, mares, colts, grain, victuals, provisions and other necessities, together with all sorts of merchandizes, of what nature soever, and them to expose to sale or barter in gross or by retail, at the time, hours and seasons that the director or rulers of the said Fairs for the time shall proclaim and appoint; which Fairs shall be holden, together with a Court of Pipowders, and with all liberties and free customs to such Fairs appertaining, or which ought or may appertain, according to the usage and customs of Fairs holden in that part of his Majesty's realm of Great Britain called South Britain or England.

A. D. 1723.

III. And for the more regular government of the said several Fairs, his Excellency the Governour or Commander in chief of this Province for the time being, is humbly desired and impowered to commissionate and appoint such person or persons as he shall think fit to be director or rulers of the said Fairs, as also a clerk of the market, which director or rulers so appointed and commissioned as aforesaid, is hereby authorized and impowered to have and hold a Court of Pipowder, together with all liberty and free custom to such appertaining; and that they and every of them may have and hold there, at their and every of their respective courts, from day to day, and hour to hour, from time to time, upon all occasions, complaints and pleas of a Court of Pipowders, together with all summons, attachments, arrests, issues, fines, redemptions and commodities, and other rights whatsoever, to the same Court of Pipowders appertaining, without any impediment, let or hindrance whatsoever. Provided always, that the director or rulers of the Fairs aforesaid, shall publish or cause to be published within and without the liberties of the said Fairs, at the beginning of the Fair, how long that Fair shall endure, to the intent merchants and others shall not be at the said Fairs over the time so published, upon pain of being fined for the same.

Director or
Rulers of the
said Fairs to
hold a Court of
Pipowder.

IV. And for preventing of any abuse in the aforesaid Fairs, *Be it further enacted* by the authority aforesaid, That the director or rulers of the said Fairs shall yearly appoint and limit out a special and certain open place within Childsberry town aforesaid, on both or either of the publick squares, where the said Fairs shall be held and kept, where horses, mares, colts, geldings and cattle may be sold; in which said certain and open place there shall be, by the director or rulers aforesaid, put in and appointed one sufficient person or more, to take toll, and keep the same place from nine of the clock in the morning until sun-set of every day of the aforesaid Fairs, upon pain to lose and forfeit upon every default the sum of ten pounds current money; and that every toll-gatherer, his deputy or deputies, shall, during the time of every of the said Fairs, take the sum of two shillings and six pence, due and lawful toll, for every horse, mare, gelding or colt, or cattle, and ten shillings for every slave, and six pence for every hog, sheep and calf, sold within the said Fair between the hours of nine o'clock in the morning and sun-set of the same day, and shall have present before him or them, at the taking of the same toll, the parties of the bargain, exchange, gift, contract or putting away every such horse, mare, gelding, colt or slave, and also the same horse, mare, gelding, colt or slave so sold, exchanged or put away, and shall then write or cause to be written in a book to be kept for that purpose, the names, surnames and dwelling places of all the said parties, and the colour, with one special mark at least, of every such horse, mare, gelding, colt or other cattle, and the name or some noted description of the slave, on pain to forfeit for every default contrary to the intent hereof, the sum of fifty pounds; and the said toll-gatherer or keeper of the said book shall, within two days after such Fair, bring and deliver his said book to the director or rulers of the said

What they are
to observe.

Toll-gatherer's
fees and duties.

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Fair, who shall then cause a note to be made of the true numbers of all horses, mares, geldings, colts, cattle or slaves sold at the said Fair, and shall there subscribe his name, upon pain to him that shall make default thereof to lose and forfeit for every default the sum of fifty pounds, and also to answer to the party grieved by reason of the same his negligence, in every behalf.

No person to be arrested during the time of the Fairs.

V. *And be it further enacted* by the authority aforesaid, That no person during the time of holding and keeping the said Fairs shall be liable to be taken at the said Fairs by virtue of any process, except for treason, felony or other capital crime or breach of the peace, but shall be freed and discharged of the same, if taken and arrested at the said Fairs, by the Justices and Judges of such Courts out of which the process was issued.

Fines not over £10, how to be recovered.

VI. *And be it further enacted* by the authority aforesaid, That all the fines and forfeitures accruing and arising by virtue of this Act, not exceeding ten pounds, shall be recovered by warrant under the hand and seal of any one Justice of the Peace of the said county, and be disposed of, the one half to the poor of the said parish, and the other half to him or them that will prosecute for the same.

If above £10.

VII. *And be it further enacted* by the authority aforesaid, That all the fines and forfeitures accruing and arising by virtue of this Act, exceeding the sum of ten pounds, shall be disposed of in manner aforesaid, and be recovered by action of debt, bill, plaint or information, in any of his Majesty's courts of record in this Province, wherein no protection, privilege or essoign shall be allowed.

When this Act is to be of force.

VIII. *And be it further enacted* by the authority aforesaid, That this Act, nor any matter or thing therein contained, shall take place or be in force until the twentieth day of October next, being the anniversary day of his Majesty's coronation.

JA. MOORE, SPEAKER.

Charlestown, Council Chamber, February 15, 1723.

Assented to by FR. NICHOLSON, Governour.

No. 479. *AN ACT* FOR RAISING THE SUM OF ELEVEN THOUSAND SIX HUNDRED AND SEVENTY TWO POUNDS, ON LANDS AND SLAVES, FOR DEFRAYING THE CONTINGENT CHARGES OF THE GOVERNMENT FROM THE TWENTY NINTH DAY OF SEPTEMBER LAST PAST, UNTIL THE TWENTY NINTH DAY OF SEPTEMBER, WHICH SHALL BE IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND TWENTY AND FOUR.

Preamble.

WHEREAS, it appears upon an estimate made of the contingent charges of the Government, the sum of eleven thousand six hundred and seventy-two pounds will be wanting for defraying the same for the current year, we therefore humbly pray your most sacred majesty that it may be enacted,

£11,672 to be raised on real and personal estate.

I. *And be it therefore enacted* by His Excellency Francis Nicholson, Esq. Governour, by and with the advice and consent of His Majesties Honourable Council, and the Assembly of this Province, and by the authority of the same, That a tax or sum of eleven thousand six hundred seventy two

pounds, be equally imposed and levied on the several inhabitants of this Province, in manner following, that is to say, one sixth part on the real and personal estates, stocks and abilities of the several inhabitants of Charles-Town, over and besides their lands and slaves in the country, and the other five-sixths on the several inhabitants living and residing without the limits of Charlestown Platt.

A. D. 1723.

II. *And be it further enacted and declared* by the authority aforesaid, That every hundred acres of land be and is hereby rated at five shillings per hundred acres, and every slave from the age of seven years old to sixty at fifteen shillings per head; and that all persons required to pay any tax by virtue of this Act, shall pay the same to the Collectors and Receivers hereby appointed respectively to receive the same, at such public place as the Collectors respectively in the Parish where such taxable person lives or resides, on the last Tuesday in March next ensuing the passing of this Act.

Assessments specified.

III. *And be it further enacted* by the authority aforesaid, that for the several Parishes of this Province the several persons hereafter named, that is say, for the Parish of St. Philips Charlestown within the Town platt, Alexander Parris: for that part of the Parish without the Town platt, Alexander Parris: for the Parish of Christ Church, Thomas Barksdale and Joseph Walters: for the Parish of St. James's Goose Creek, John Oldfield and John Sanders: for the Parish of St. Johns, Nathaniel Broughton and Peter Guerard: for the Parish of St. Georges, Thomas Waring and Guilson Clap: for the Parish of St. Thomas and St. Dennis, James Akin and Robert Daniell: for the Parish of St. Andrews, James's Island excluded, Thomas Dymes and Thomas Smith: for that part of the Parish called James's Island, William Wilkins and Thomas Howard: for the Parish of St. Pauls, that is to say, for John's Island, Thomas Ladson and Hugh Hext: for Wadmelow Island, John Sams and David Furguson: for Edisto Island, William Eddings and Joseph Russell: for Stono and the east side of Ponpon, Robert Young and John Edwards: for the Parish of St. Bartholomews, Hugh Bryan and Joseph Seabrook: for the Parish of St. James's Santee, Noah Sere and William Drake: for the Parish of Prince George's Weneaw, John Hare and Elisha Scriven: for the Parish of St. Hellens, William Hazard and Rowland Evans, be, and are hereby appointed Receivers and Collectors, who in fourteen days after the receipt of the taxes, shall transmit the same to the Public Treasurer in Charlestown, together with a schedule, fairly wrote in proper columns under their hands, of the names of the persons paying tax, and the quantity of lands and slaves for which such taxes is paid, and the Parish where each tract of land and number of slaves are lying and abiding, and the name of the defaulters in paying their tax. And the said respective Collectors as aforesaid, at the end of fourteen days exclusive of the said last Tuesday in March, shall close their accounts and transmit the same to the Public Treasurer in Charlestown. And every taxable inhabitant shall some time at or before the time limited for paying in his tax to the said Collectors, render an account in writing under his hand, of all his lands and slaves from the age of seven years old to sixty, and an account of what Parish the said lands and slaves are in, and take the following oath, to be administered by the said Collector, You A. B. do swear that the account you now give in is a just and true account of all the lands and slaves from the age of seven years old to sixty, which you are any ways possessed of, interested in, or intitled unto in the Parish or precinct wherein you now live, or in any other Parish or part of this Province, either in your own right, or as executor, administrator, guardian or attorney to or in trust for any other

Receivers and Collectors nominated.

Their duty.

A. D. 1723.

person or persons whatsoever, and that without any equivocation or mental reservation. So help you God. And the said Collectors shall at the time of returning in such accounts, and paying in the money by them collected and received, to the Public Treasurer, give in an account in writing of their own lands and slaves after the manner above directed, on oath, and pay in their tax to the said Public Treasurer.

Penalty on concealment.

IV. *And be it further enacted* by the authority aforesaid, that if any person or persons in giving in or rendering his account of lands and slaves, shall willfully or voluntarily conceal any part thereof, all such persons shall forfeit all and every part of such real and personal estate so concealed, the one half to his Majesty for the support of this Government, and the other half to him or them that will sue for the same by action of debt, bill, plaint or information, to be brought in any Court of Record in the precinct where the offence is committed, wherein no essoigne, privilege or wager of law shall be allowed or admitted of.

Persons refusing to render an account to be treated as defaulters.

V. *And be it further enacted* by the authority aforesaid, That any person neglecting or refusing to render such account to the Collectors aforesaid respectively, at such time and place as they shall appoint, by the last Tuesday in March next, he shall be returned by the said Collector as a defaulter, and shall be rated by the Public Treasurer double of what he was rated at in the last tax. And the Public Treasurer shall levy the same accordingly. And in case it should so happen that such person is not to be found in the last tax list, the said Public Treasurer is required to rate him double of what his tax amounts to according to his best information, and levy the same accordingly.

Owners of lots to make return thereof within twenty days.

VI. *And whereas*, divers inhabitants living without the limits of Charlestown platt are possessed of divers houses and town lots, and parts of lots within the same, *Be it therefore enacted* by the authority aforesaid, That all persons possessed of such town houses and lots, or parts of lots, do give in an account thereof in their own proper person, or return on oath the number of the said lots, or in what parts of the said town the said town houses or lots lie, to the Collector of the tax in Charlestown, within twenty days after the passing of this Act, to the intent the assessors of Charlestown may proceed on their assessment by the time required of them by this Act; and all such persons shall be rated for such lots as if they were actually resident in Charlestown; and all town lots and the improvements thereon shall be rated at the discretion of the assessors in Charlestown; and all town lots lying without the limits of Charlestown platt being of small value shall not be accounted for.

Inquirers nominated.

VII. *And forasmuch* as the tax to be raised within the limits of Charlestown platt being to be assessed on the stocks and abilities of the inhabitants cannot be conveniently raised without the appointment of inquirers and assessors, *Be it further enacted* by the authority aforesaid, That John Bretton, Henry Perroneau and John Sheppard, be, and are hereby appointed Inquirers for Charlestown; and the said Inquirers are hereby directed and ordered to inquire into and take an account of all such real and personal estates, negroes, stocks and abilities of the inhabitants living and residing within the limits of Charlestown platt, which they shall be possessed of, interested in or entitled to either in their own right or in the right of any other person whatsoever, which are lying or being within the limits of the said town platt, and of all the lands and slaves without the limits of the same in any other part of the Province. And the said Inquirers shall begin to make their enquiry on or before the last Tuesday in this instant, February, and shall finish and return the same to the assessors hereby appointed for Charlestown on or before the first Tuesday in March

Their duty.

next; and that all and every other person, merchant or inhabitant living and residing within the limits of Charlestown platt, being possessed of any lands or negroes in the country, shall likewise render an account thereof upon oath, to the Inquirers of Charlestown, and of the several Parishes where the same lies in, which shall be reckoned as part of the country tax, and pay in the same to the Public Receiver or Collector at the time limited for paying in the tax in the country. Provided always nevertheless, that nothing herein before contained shall extend to be construed to give the said Inquirers or Assessors any power or authority to take an account of or assess any such goods, wares, merchandizes or effects as shall be consigned immediately to any merchants or factors in this Province to dispose of as factors only, and except also the effects of transient persons who have not resided within this Province three calendar months before such inquiry shall begin to be made. And it is hereby declared that the several slaves belonging to the said inhabitants of Charlestown which have been for six months then last past employed by their said respective masters in Charlestown, shall be reckoned and accounted into the sixth part of the said tax hereby appointed for Charlestown, and that all and every slave (as well as their lands) belonging to the said inhabitants of Charlestown which for the most part are employed in the country, shall be reckoned and accounted for in the country tax.

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VIII. *And be it further enacted* by the authority aforesaid, That the storekeepers living and residing in the country, shall be rated by the Collectors in the several Parishes where they live, for their stores and stocks after the rate of the assessments directed to be made on the inhabitants of Charlestown. And the monies arising by the assessment of the said stores, shall be paid to the Public Treasurer in order to be included in the country tax; and in such Parishes where one of the Collectors shall happen to be a storekeeper, the other Collector shall, and is hereby impowered to assess and rate such a storekeeper as the other storekeepers in the country are rated and assessed.

Storekeepers living in the country to be rated as if in Charlestown.

IX. *And be it further enacted* by the authority aforesaid, That every person, as well inhabitants of Charlestown as storekeepers in the country, who shall have reason to believe he is over rated for his stocks or stores, shall have ten days, after public notice given by the assessors at the Watch House in Charlestown or other public places in the country for that purpose, to swear off so much as he is over rated, before the said Assessors or Collectors; and the Assessors or Collectors aforesaid are hereby impowered to administer such oath and allow of an abatement accordingly.

Persons over-rated may swear off before the Assessor or Collector.

X. *And be it further enacted* by the authority aforesaid, That the said Assessors upon receiving the returns of the Inquirers for Charlestown shall administer unto them the following oath. You A. B. and C. D. E. F. do swear that the accounts you now give in is a just and true account of all the real and personal estates, stocks and abilities of the several inhabitants of Charlestown lying and being within and without the limits of the said town platt, according to the best of your knowledge.

Oath to be administered to the Inquirers.

XI. *And be it further enacted* by the authority aforesaid, That the Inquirers aforesaid at the same time shall render an account to the said Assessors of their own estates, real and personal, lying and being within and without the limits of the said town platt, and take the same oath before the Assessors, *mutatis mutandis*, as they are directed to administer to the other inhabitants of Charlestown.

Inquirers to render an account of their own estates.

A. D. 1723

Assessors nominated.

XII. *And be it further enacted* by the authority aforesaid, That Anthony Mathews, Elisha Prioleau, Samuel Eveleigh, Eleazar Allen and James St. Julien, be, and are hereby appointed Assessors for assessing the said inhabitants of Charlestown, and they are hereby authorized, impowered and required to rate and assess the said sum of one thousand nine hundred and forty seven pounds, being the one-sixth part of the said tax of eleven thousand six hundred and seventy two pounds, on the real and personal estates, stocks and abilities of the inhabitants of Charlestown, and others interested in the said town as aforesaid, rateably and proportionably according to the best of their skill and judgment; and any three of the said Assessors shall be a quorum, and shall meet at the house of Collonel Michael Brewton on the first Tuesday in March next, and there to continue to finish the assessment, or adjourn to any more convenient place in or near Charlestown, as they shall see fit. And the Assessors shall finish and complete the said assessment on or before the third Tuesday in March next, and return a duplicate thereof under their hands, unto the said Public Treasurer in Charlestown, who shall cause a duplicate thereof to be posted at the public Watch House in Charlestown, in three days after his receiving the same from the hands of the said Assessors.

Oath to be taken by the Assessors.

XIII. *And be it further enacted* by the authority aforesaid, That the said Assessors shall before they enter on the execution of their office take the following oath before one of his Majesty's Justices of the Peace, who shall give him a certificate of his so doing. I, A. B. do sincerely swear, that I will indifferently, equally and impartially rate and assess all and every person to me returned to be assessed by the Inquirers of Charlestown for that purpose appointed, according to the directions to me given by this Act, and according to the best of my skill and knowledge. So help me God.

Discretionary power in case of mistakes.

XIV. *And be it further enacted* by the authority aforesaid, That in case the said Assessors shall find any mistakes in the returns of the Inquisitors, the said Assessors shall not be tyed up so strictly to the said returns, but they may have liberty to proceed according to better information or knowledge, but if any man's tax shall not exceed five shillings current money, he shall not be rated or assessed.

Days and times of paying the tax.

XV. *And be it further enacted* by the authority aforesaid, That every person so assessed by the said Assessors for Charlestown, shall likewise pay into the hands of the Public Treasurer the several sums of money on them respectively rated, on or before the last Tuesday in March next, or within fourteen days next after at farthest. And in case any person shall neglect or refuse to pay in his or their tax at the days and times herein before mentioned and appointed for payment thereof, the said Public Treasurer shall in six days after the time fully elapsed, without favor, affection or further delay, levy the same by virtue of a warrant signed and sealed by him, directed to the Marshall or any Constables of the respective Parishes or precincts where such defaulter lives or resides, by distress and sale of the defaulters goods, returning the overplus, if any there should happen to be, to the defaulter, after deducting the reasonable charges. And if no such distress can be found by the said Marshal and Constable, or if the defaulter shall neglect or refuse to produce goods whereon the monies so assessed may be forthwith levied, then the said Marshal or Constable by virtue of the same warrant shall take the body of such defaulter or defaulters and bring him, her or them to the common goal in Charlestown, and the Marshal aforesaid shall detain him or them in the goal aforesaid without bail or main prize until they have satisfied the debt and charges aforesaid. And in case he be resisted in the execution of his office he is hereby also impowered to take a sufficient number of persons to his assistance, and

Defaulters may be distrained.

the charges he shall be at in procuring such assistance shall be levied on the defaulter in manner as aforesaid. A. D. 1723.

XVI. *And be it further enacted* by the authority aforesaid, That the Marshal or Constable to whom such warrants shall be directed, shall take the following fees in the execution of their office, viz : to the Marshal or Constable twelve pence current money of this Province, for every twenty shillings so to be levied and paid to the said Public Treasurer, and twelve pence like current money for every mile, to be computed from the dwelling house of such Marshall or Constable to the dwelling house or place of residence of such defaulters, and no more or any other fee or fees whatsoever. And the Treasurer for every execution he shall issue for levying any part of the tax upon any defaulter, shall from every such defaulter take five shillings.

*Fees of the
Marshal or
Constable.*

XVII. *And be it further enacted* by the authority aforesaid, That if any taxable person shall neglect to give in his account of his estate to the said Collectors or Inquirers, by the last Tuesday in March next, and shall be omitted in the return of the Collectors or Inquirers, and shall have omitted or neglected to pay in his tax by the time before limited, the said Public Treasurer, notwithstanding such omission, is hereby impowered and required, as soon as he shall have knowledge thereof, to issue his warrant against such person so omitted, in the same manner as if he had been returned as a defaulter. And in case the said public Treasurer shall not have a just information of what such person's tax does amount to, the said warrant shall run for double the sum such person was rated in the last tax, and shall be dealt with in all other respects as a defaulter.

*Persons neg-
lecting to pay
to be treated as
defaulters.*

XVIII. *And be it further enacted* by the authority aforesaid, That the said Collectors and public Treasurer shall have full and ample power in all respects, for collecting and getting in arrears of taxes due by any former law or Act of Assembly, notwithstanding the same may be repealed, and the same may be levied and recovered by virtue of any warrant or warrants under the hand and seal of the public Treasurer, in manner as aforesaid; and the late commissioners of the tax shall make out a fair list of all defaulters who have not paid their taxes, and deliver the same to the public Treasurer, for his more certain recovering of the same.

*Arrears of for-
mer taxes to be
collected.*

XIX. *And be it further enacted* by the authority aforesaid, That in case any person shall happen to die between the time of giving in his accounts to the said collectors or inquirers and the paying in of his tax, and any goods or chattels of the deceased to the value of the sum he was assessed at shall come to the hands of his executors or administrators, or any executors in their own wrong, such executor or administrator shall pay the same by the time before limited, prior to all mortgages, judgments and debts whatsoever, debts due to his Majesty excepted, or otherwise a warrant or execution shall issue against the proper goods of such executor or administrator; and if any person between the time limited for rendering the accounts of his estate to the collectors and inquirers aforesaid, and the time of paying in his tax, shall be about to depart this Province, the said public treasurer is hereby required forthwith to levy the same, notwithstanding the days of payment are not then already come, unless such persons will find sureties to the liking of the said public treasurer for payment thereof at the time appointed.

*Administrators
and Executors
made liable in
case of assets.*

XX. *And be it further enacted* by the authority aforesaid, That all deeds of gift, conveyances, mortgages, sales and assignments of any lands and tenements, goods or chattels of any person whatsoever, made with

*Fraudulent
conveyances
declared void.*

A. D. 1722.

an intent to avoid his being assessed or paying in his tax, are hereby deemed and declared to be fraudulent and null and void to all intents and purposes whatsoever.

If mortgagor
does not pay,
mortgagee
made liable.

XXI. *And be it further enacted* by the authority aforesaid, That in case any person who has mortgaged any part of his real or personal estate, shall neglect or refuse to pay tax for the same, the mortgagee shall be answerable and subject to pay the sums assessed on the mortgagor, provided such real or personal estate is in the possession or occupation of the mortgagee.

Fine for neglect
of duty.

XXII. *And be it further enacted* by the authority aforesaid, That the said public receiver and collectors, inquirers, assessors, marshal or constables, and every other magistrate or officer that shall neglect or refuse to do and perform the several matters hereby required of them respectively to be done and performed, shall for every such neglect or refusal forfeit the sum of fifty pounds current money, to be recovered in any Court of Record in the precinct where the offence is committed, the one half to his Majesty for the support of this Government, and the other half to him that will sue for the same, by action of debt, bill, plaint or information, wherein no protection, essoign or wager of law shall be allowed or admitted of.

Case of officers
dying or
absenting.

XXIII. *And be it further enacted* by the authority aforesaid, That in case any of the collectors, inquirers or assessors before mentioned in this Act, shall happen to die, refuse to act, or depart this Province before they have executed the powers and authorities hereby given to them, that then his Excellency the Governour be and is hereby impowered, with the advice of his Majesty's Council, to nominate and appoint by order of Council in that behalf, another fit person for the precinct of Charlestown, and that any two judges of the precinct courts for their respective precinct, have the like power in that case as the Governour in Council in the said precinct of Charlestown, in the room of him so dying, going off or refusing to act; and the person so appointed shall have the same advantage, and be under the same penalties as the collectors, inquirers or assessors hereby nominated.

Payment may
be made in
current bills or
in rice.

XXIV. And for greater conveniency of such of the inhabitants of this Province who cannot procure bills of credit to pay in their several taxes as is before directed, *Be it further enacted* by the authority aforesaid, That it may be lawful for any taxable person to pay his said tax in the current bills, or in good and merchantable rice, to be delivered to the public treasurer in Charlestown, in good and merchantable barrels, on or before the last Tuesday in March next, computing each hundred weight of rice at forty shillings per hundred, and each barrel at ten shillings per barrel, which rice shall be delivered free and clear of all weighage and cooperage, or any other charge whatsoever, and the public treasurer is hereby impowered to receive the same in lieu of such person's taxes; any thing before in this Act to the contrary notwithstanding.

Rice paid in to
be sold.

XXV. *And be it further enacted* by the authority aforesaid, That the public treasurer shall, and he is hereby required and directed to sell and dispose of all such rice as shall be paid to him for taxes, for the best price and advantage, and shall apply all such sum and sums of money as shall arise by the sale of such rice, as is herein directed and appointed, and to no other use, intent or purpose whatsoever.

Appropriation
of £18,124 7s.
and 1 penny.

XXVI. And whereas, it is computed that the duties arising upon exports and imports of this Province, from the twenty-ninth of September last unto the five-and-twentieth of March, one thousand seven hundred twenty and four, with other moneys in the treasurer's and commissioners' of the late

taxes hands, and the arrears due for taxes, will amount to the sum of eighteen thousand one hundred and twenty-four pounds seven shillings and one penny current money, *Be it therefore enacted* by the authority aforesaid, That the said sum of eighteen thousand one hundred and twenty four pounds seven shillings and one penny, be appropriated and applied by the said public Treasurer in manner following, that is to say: to the salaries of the several rectors and ministers in this Province, the sum of three thousand eight hundred pounds; to commissioners of the Bank, for expenses, one hundred pounds; to Joseph Massey, one hundred pounds; to Parochial charges and repairs, the sum of four hundred and fifty-five pounds; to the salary of the master of the free school, four hundred pounds; to the wages of the commanders and men at Fort Moore, with provisions for them, two thousand two hundred pounds; to the wages of the commander and men at Pallachucola Fort, with provisions, two thousand two hundred pounds; to wages of the commander and men belonging to the scout boats, with provisions, one thousand four hundred and ninety pounds; to wages of the commander and men of Johnson's Fort, seven hundred and sixty-five pounds; to the salary of the Armourer and Gunner of Charlestown, three hundred and fifty pounds; to drawbacks upon goods re-exported, four hundred pounds; to the salaries of the land waiters, one hundred pounds; to the public Treasurer, in lieu of all commissions, and acting as Commissary, one thousand pounds; to Clerk and Messenger of the Assembly, and writings, one thousand pounds; to the Agent in Great Britain, eighteen hundred pounds; to wages due to the men employed by the public for Fort King George, seventy-seven pounds ten shillings; to entertaining Indians and expresses, four hundred pounds; to the Free School, fifteen hundred pounds;—and to no other use, interest or purpose whatsoever.

A. D 1723.

Appropriation
of the sum to
be raised under
this Act.

XXVII. *And be it further enacted* by the authority aforesaid, That the said sum of eleven thousand six hundred and seventy-two pounds, to be raised on lands and slaves, shall be applied and paid by the said public Treasurer in manner following, that is to say: to Johnson's Fort, one thousand pounds; to accompts passed by the committee of accompts, one thousand seven hundred and twenty pounds; to an Armoury, six hundred pounds; to arrears due for negroes killed, five hundred pounds; to a house for a Free School, one hundred pounds; to Colonel Parris, for receiving the Tax, five hundred pounds; to Col. Parris, for his last year's service, four hundred eighty-two pounds ten shillings; to Coroner's fees, fifty pounds; beasts of prey, fifty pounds; to Colonel Brewton, for his house, one hundred pounds; to Colonel Hastings, one hundred pounds; for arrears due on Johnson's Fort, seven hundred and two pounds two shillings and nine pence; to repairing great gun carriages, three hundred pounds. And the residue and remainder of the said sum of eleven thousand six hundred seventy two pounds, shall be paid and applied by the said public Treasurer to defray the contingent charges of the Government, and shall be paid out of the treasury by orders of the General Assembly, as usual, and not otherwise.

XXVIII. And to prevent the misapplication of public monies, *Be it further enacted* by the authority aforesaid, That if the said public Treasurer shall apply any of the public monies to any other use, intent or purpose whatsoever, than what is herein before directed, without an Act passed in both houses, in due form, he the said public Treasurer shall forfeit double the sum so misapplied, the one half to his Majesty for the support of this Government, and the other half to him or them that will sue for the same in any court of record in this Province, by action of debt, bill, plaint or

Penalty on mis-
appropriation.

A. D. 1723.

information, wherein no essoign, protection or wager of law shall be allowed or admitted of, and without any power from any person whatsoever, unless it be an order of the General Assembly, to enter a *noli prosequi*, release, or discontinue the said suit.

General issue
may be pleaded
and this Act
given in
evidence.

XXIX. *And be it further enacted* by the authority aforesaid, That all and every officer, collector, inquisitor, assessor, marshal or constable, or any other person, who shall be sued by reason of any matter or thing done in the execution of this Act, shall have leave to plead the general issue and give this Act and the special matter in evidence; and if the party suing shall suffer a nonsuit, or a verdict pass against him, the Justices before whom such cause shall be prosecuted shall award treble costs to the defendant, to be taxed by the said Justices.

JA. MOORE, *Speaker*.

Charlestown, Council Chamber, February 15, 1723.

Assented to by FR. NICHOLSON, *Governour*.

Expired.

No. 480. AN ACT for keeping and maintaining a Wach and good Orders in Charlestown.

(Passed February 15, 1723. *See last volume.*)

No. 481. AN ACT FOR SETTLING A FAIR AND MARKETS IN THE TOWN OF DORCHESTER, IN BERKLEY COUNTY, BEING A FRONTIER IN THAT PART OF THE COUNTRY.

Preamble.

WHEREAS, the inhabitants of the Parish of St. George, in Berkley county, by their petition to the General Assembly of this Province, have set forth, that they are very much incommoded, as well for want of certain market days in each week, to be appointed for the town of Dorchester, in the said parish, as for want of publick Fairs to be held and kept there, at least twice in every year, for exposing to sale horses, cattle and merchandize, and by their said petition have prayed leave for bringing in a bill for settling Fairs and Markets in Dorchester town; for remedy whereof, and for the better encouraging the settling of the town of Dorchester, and that trade and commerce may be encouraged and encreased, we most humbly pray your most sacred Majesty, that it may be enacted,

Public markets
to be kept two
days in the
week at Dor-
chester.

I. *And be it therefore enacted* by his Excellency Francis Nicholson, Esq. Governour, and the Council and Representatives convened in General Assembly at Charlestown, That there shall be held and kept in the town of Dorchester aforesaid, upon every Tuesday and Saturday in the week, publick and open Markets, to which markets it shall and may be lawful to and for all and every the inhabitants and sojourners of this Province to go, frequent and resort, and thither to carry all sorts of cattle, grain, victuals, provisions and other necessities, together with all sorts of merchandize

whatsoever, and at the publick market place already assigned and appointed for that purpose, them to expose to sale or barter, in gross or by retail, between sun-rising and sun-setting of the same days, without payment of any toll for three years, or any other let, hindrance or molestation whatsoever.

A. D. 1723.

II. *And be it further enacted* by the authority aforesaid, That there shall be likewise held and kept in the town of Dorchester aforesaid, two Fairs in each year, the first Fair annually to begin and commence the second Tuesday in April, in every year, and to end upon the Friday then next following, being in all four days inclusive, and no longer, and the second Fair to begin and commence the first Tuesday of October, in every year, and to end upon the Friday then next following, being in all four days inclusive, and no longer; to which Fairs it shall and may be lawful for all person, inhabitants, strangers or sojourners of this Province, to the said Fairs to go, frequent and resort, and thither to carry or cause to be carried all sorts of cattle, horses, mares, colts, grain, victuals, provision and other necessities, together with all sorts of merchandizes, of what nature soever, and them to expose to sale or barter, in gross or by retail, at the time, hours and seasons that the director or rulers of the said Fairs for the time shall proclaim and appoint; which Fairs shall be holden, together with a Court of Pipowders, and with all liberties and free customs to such Fairs appertaining, or which ought or may appertain, according to the usage and customs of Fairs holden in that part of his Majesty's realm of Great Britain, called South Britain or England.

Two Fairs to be kept annually in Dorchester town.

III. And for the more regular government of the said several Fairs, his Excellency the Governour or Commander in chief of this Province for the time being, is humbly desired and impowered to commissionate and appoint such person or persons as he shall think fit to be director or rulers of the said Fairs, as also a Clerk of the Market; which director or rulers so appointed and commissioned as aforesaid, is hereby authorized and impowered to have and hold a Court of Pipowder, together with all liberty and free custom to such appertaining; and that they and every of them may have and hold there, at their and every of their respective courts, from day to day and hour to hour, from time to time, upon all occasions, complaints and pleas of a Court of Pipowders, together with all summons, attachments, arrests, issues, fines, redemptions and commodities, and other rights whatsoever to the same Court of Pipowders appertaining, without any impediment, let or hindrance whatsoever. Provided always, that the director or rulers of the Fairs aforesaid, shall publish or cause to be published within and without the Liberties of the said Fairs, at the beginning of the Fair, how long that Fair shall endure, to the intent merchants and others shall not be at the said Fairs over the time so published, upon pain of being fined for the same.

The director or rulers of the said Fairs to hold a Court of Pipowder.

IV. And for preventing of any abuse in the aforesaid fairs, *Be it further enacted* by the authority aforesaid, That the director or rulers of the said Fairs shall yearly appoint and limit out a certain and special open place within Dorchester town aforesaid, where the said Fairs shall be held and kept, where horses, mares, colts, geldings and cattle may be sold, in which said certain and open place there shall be, by the director or rulers aforesaid, put in and appointed one sufficient person or more, to take toll, and keep the same place from nine of the clock in the morning until sun-set of every day of the aforesaid Fairs, upon pain to lose and forfeit upon every default the sum of ten pounds current money; and that every toll-gatherer, his deputy or deputies, shall during the time of every of the said Fairs, take the sum of two shillings and six pence, as due and lawful

What they are to observe.

A. D. 1723.

Toll-gatherer's
fees and duties.

toll for every horse, mare, gelding or colt, or other cattle, and ten shillings for every slave sold within the said Fair, between the hours of nine o'clock in the morning and sun-set of the same day, and shall have present before him or them, at the taking of the same toll, the parties to the bargain, exchange, gift, contract or putting away every such horse, mare, gelding, colt or slave, and also the same horse, mare, gelding, colt or slave so sold, exchanged or put away, and shall then write, or cause to be written in a book to be kept for that purpose, the names, surnames and dwelling-places of all the said parties, and the colour, with one special mark at least, of every such horse, mare, gelding, colt or other cattle, and the name or some noted description of the slave, on pain to forfeit at and for every default, contrary to the intent hereof, the sum of fifty pounds; and the said Toll-gatherer or keeper of the said book, shall within two days next after such Fair, bring and deliver his said book to the director or rulers of the said Fair, who shall then cause a note to be made of the true numbers of all horses, mares, geldings, colts, other cattle and slaves sold at the said Fair, and shall there subscribe his name, upon pain to him that shall make default therein, to lose and forfeit for every default the sum of fifty pounds, and also to answer to the party grieved by reason of the same his negligence, in every behalf.

No person to
be arrested
during the time
of the Fairs.

V. *And be it further enacted* by the authority aforesaid, That no person during the time of holding and keeping the said Fairs shall be liable to be taken at the said Fairs by virtue of any process, except for treason, felony or other capital crime or breach of the peace, but shall be freed and discharged of the same, if taken and arrested at the said Fairs, by the justices or judges of such courts out of which the process issued.

Fines not ex-
ceeding £10,
how to be
recovered.

VI. *And be it further enacted* by the authority aforesaid, That all the fines and forfeitures accruing or arising by virtue of this Act, not exceeding ten pounds, shall be recovered by warrant under the hand and seal of any one Justice of the Peace of the said County, and be disposed of, the one half to the poor of the said parish, and the other half to him or them that will prosecute for the same.

Above £10.

VII. *And be it further enacted* by the authority aforesaid, That all the fines and forfeitures accruing or arising by virtue of this Act, exceeding the sum of ten pounds, shall be disposed of in manner aforesaid, and be recovered by action of debt, bill, plaint or information, in any of his Majesty's courts of record in this Province, wherein no protection, privilege or essoign shall be allowed.

When this Act
is to be of force.

VIII. *And be it further enacted* by the authority aforesaid, That this Act nor any matter or thing therein contained, shall take place or be in force until the twentieth day of October next, being the anniversary day of his Majesty's coronation.

JA. MOORE, *Speaker.**Charlestown, Council Chamber, February 15, 1723.**Assented to by FR. NICHOLSON, Governour.*

A. D. 1723.

AN ACT FOR SETTLING A FAIR AND MARKETS IN ASHLEY RIVER FERRY TOWN, IN BERKLEY COUNTY, FOR THE BETTER IMPROVEMENT OF THE SAID FERRY, IT BEING A PRINCIPAL FERRY LEADING TO CHARLESTOWN.

No. 482.

WHEREAS, the inhabitants of the Parish of St. Andrew's, in Berkley County, by their petition to the General Assembly of this Province, have set forth, that they are very much incommoded as well for want of certain market days in each week to be appointed for Ashley river Ferry Town, in the said parish, as for want of publick Fairs to be held and kept there, at least twice in every year, for exposing to sale horses, cattle and merchandize, and by their said petition have prayed leave for bringing in a bill for settling Fairs and Markets in Ashley River Ferry Town; for remedy whereof, and for the better encouraging the settling of Ashley River Ferry Town, and that trade and commerce may be encouraged and increased, we most humbly pray your most sacred Majesty that it may be enacted,

Preamble.

I. *And be it therefore enacted* by his Excellency Francis Nicholson, Esq. Governour, and the Council and Representatives convened in General Assembly at Charlestown, That there shall be held and kept in Ashley River Ferry Town aforesaid, upon every Wednesday and Saturday in the week, publick and open Market, to which market it shall and may be lawful to and for all and every the inhabitants and sojourners of this Province to go, frequent and resort, and thither to carry all sorts of cattle, grain, victuals, provision and all other necessaries, together with all sorts of merchandize whatsoever, and at the publick market place hereafter to be assigned and appointed for that purpose by the inhabitants of the said town, them to expose to sale or barter, in gross or by retail, between sun-rising and sun-setting of the same days, without payment of any toll for three years, or any other let, hindrance or molestation whatsoever.

Public Markets
to be kept twice
a week.

II. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for the major part of the inhabitants and residents of Ashley River Ferry Town aforesaid, to purchase and appoint a publick market place in the said town, where they shall see most convenient for that purpose, and the place which they shall purchase and appoint for a publick market place as aforesaid, is hereby declared to be the publick market place for the said town.

A market place
to be appointed.

III. *And be it further enacted* by the authority aforesaid, That there shall be likewise held and kept in said Ashley River Ferry Town aforesaid, two Fairs in each year, the first Fair annually to begin and commence the first Tuesday in May, in every year, and to end upon the Friday then next following, being in all four days inclusive, and no longer; and the second Fair to begin and commence the last Tuesday in September, in every year, and to end upon the Friday then next following, being in all four days inclusive, and no longer: to which Fairs it shall and may be lawful for all and every person and persons, inhabitants, strangers or sojourners of this Province, to the said Fairs to go, frequent and resort, and thither to carry or cause to be carried, all sorts of cattle, horses, mares, colts, grain, victuals, provisions and other necessaries, together with all sorts of merchandizes of what nature soever, and them to expose to sale or barter, in gross or by retail, at the times, hours and seasons that the director or rulers of the said Fairs for the time shall proclaim and appoint; which Fairs shall be holden, together with a Court of Pipowders,

Two Fairs to
be kept annual-
ly in Ashley
River Ferry
Town.

A. D. 1723.

and with all liberties and free customs to such Fairs appertaining, or which ought or may appertain, according to the usage and customs of Fairs holden in that part of his Majesty's realm of Great Britain called South Britain or England.

Director or
rulers of the
Fairs to hold
a Court of
Pipowder.

IV. And for the more regular government of the said several Fairs, his Excellency the Governour or Commander in chief of this Province for the time being, is humbly desired and impowered to commissionate and appoint such person or persons as he shall think fit, to be director or rulers of the said Fairs, as also a Clerk of the Market; which director or rulers so appointed and commissioned as aforesaid, is hereby authorized and impowered to have and hold a Court of Pipowder, together with all liberty and free custom to such appertaining, and that they and every of them may have and hold there, at their and every of their respective courts, from day to day and hour to hour, from time to time, upon all occasions, plaints and pleas of a Court of Pipowders, together with all summons, attachments, arrests, issues, fines, redemptions and commodities, and other rights whatsoever to the same Courts of Pipowders appertaining, without any impediment, let or hindrance whatsoever.— Provided always, that the director or rulers of the Fairs aforesaid, shall publish or cause to be published within and without the liberties of the said Fairs, at the beginning of the Fair, how long that Fair shall endure, to the intent merchants and others shall not be at the said Fairs over the time so published, upon pain of being fined for the same.

What they are
to observe.

V. And for preventing of any abuse in the aforesaid Fairs, *Be it further enacted* by the authority aforesaid, That the director or rulers of the said Fairs, shall purchase, appoint and limit out a certain and special open place, in or about the said Ferry Town aforesaid, where the said Fairs shall be held and kept, where horses, mares, colts, geldings and cattle may be sold, in which said certain and open place there shall be by the director or rulers aforesaid, put in and appointed one sufficient person or more, to take toll, and keep the same place from nine of the clock in the morning until sun-set of every day of the aforesaid Fairs, upon pain to lose and forfeit upon every default the sum of ten pounds current money; and that every toll-gatherer, his deputy or deputies, shall, during the time of every of the said Fairs, take the sum of two shillings and six pence, as due and lawful toll for every horse, mare, gelding or colt, or other cattle, and ten shillings for every slave sold within the said Fair, between the hour of nine o'clock in the morning and sun-set of the same day, and shall have present before him or them, at the taking of the same toll, the parties to the bargain, exchange, gift, contract or putting away every such horse, mare, gelding, colt or slave, and also the same horse, mare, gelding, colt or slave so sold, exchanged or put away, and shall then write or cause to be written in a book to be kept for that purpose, the names, surnames and dwelling places of all the said parties, and the colour, with one special mark at least, of every such horse, mare, gelding, colt or other cattle, and the name or some noted description of the slave, on pain to forfeit at and for every default, contrary to the intent hereof, the sum of fifty pounds; and the said Toll-gatherer or keeper of the said book, shall within two days next after such Fair, bring and deliver his said book to the director or rulers of the said Fair, who shall then cause a note to be made of the true number of all horses, mares, geldings, colts, or other cattle or slaves sold at the said Fair, and shall there subscribe his name, upon pain to him that shall make default therein, to lose and forfeit for every default the sum of fifty pounds, and also to answer to the party grieved by reason of the same his negligence in every behalf.

Toll-gatherer's
fees and duties.

VI. *And be it further enacted* by the authority aforesaid, That for the space of twenty-four hours before and twenty-four hours after the holding the said Fairs, and during the time of holding and keeping the said Fairs, no person shall be liable to be taken at the said Fairs by virtue of any process, except for treason, felony or other capital crime or breach of the peace, but shall be freed and discharged of the same, if taken and arrested at the said Fairs, by the Justices or Judges of such Courts out of which the process issued.

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No person to be arrested during the time of the Fairs.

VII. *And be it further enacted* by the authority aforesaid, That all the fines and forfeitures accruing or arising by virtue of this Act, not exceeding ten pounds, shall be recovered by warrant under the hand and seal of any one Justice of the Peace of the said county, and be disposed of, the one half to the poor of the said parish, and the other half to him or them that will prosecute for the same.

The Fines not exceeding £10, how to be recovered.

VIII. *And be it further enacted* by the authority aforesaid, That all the fines and forfeitures accruing or arising by virtue of this Act, exceeding the sum of ten pounds, shall be disposed of in manner aforesaid, and be recovered by action of debt, bill, plaint or information, in any of his Majesty's courts of record in this Province, wherein no protection, priviledge or essoign shall be allowed.

If above £10.

IX. *And be it further enacted* by the authority aforesaid, That this Act nor any matter or thing therein contained, shall take place or be in force until the twentieth day of October next, being the anniversary day of his Majesty's coronation.

When this Act is to be of force.

JAMES MOORE, *Speaker.*

Charlestown, Council Chamber, February 15, 1723.

Assented to by FRANCIS NICHOLSON, *Governour.*

AN ACT FOR CALLING IN AND SINKING THE PAPER BILLS.

No. 483.

WHEREAS, by an Act of the General Assembly of this Province, entituled an Act for raising the sum of seventeen thousand two hundred and forty-eight pounds and six pence, on lands and slaves, for defraying the charges of the several forts and garrisons, discharging the publick debts, and providing for the other emergencies and contingent charges of the government, passed the twentieth day of September, one thousand seven hundred and twenty-one, there was raised the sum of seven thousand pounds, part of the fifteen thousand pounds commonly called Rice Bills; and by one other clause of the same Act, the several persons thereby to be rated and assessed, were allowed to pay in their tax to the Commissioners therein named in Bills of Credit, or orders drawn by the General Assembly, so that the whole sum of fifteen thousand pounds Rice Bills were exchanged and re-issued for the then emergencies of the government: And whereas, by one other Act of the said General Assembly, entituled an Act for reprinting the present current paper bills of credit, and for printing the additional sum of forty thousand pounds in bills of credit for paying off the publick debts, defraying the contingent charges and other emergencies of the government, to the five and twentieth day of September next, passed the twenty third day of February, one thousand seven hundred and twenty two, an additional sum of forty

Preamble.

A. D. 1723.

thousand pounds in bills of credit was accordingly made and issued, and the greatest part of the former currency exchanged and commuted by the commissioners therein named for new bills, and afterwards cancelled, according to the directions of the said Act: And whereas, their Excellencies the Lords Justices, by their order in Council, dated the seven-and-twentieth day of August, one thousand seven hundred and twenty-three, have been pleased to declare their disallowance of the said Acts, and that the said Acts are thereby repealed; And whereas their Excellencies the Lords Justices, by their letter or order under their signature, directed to his Excellency Francis Nicholson, Esq. Governour, bearing date the fifth day of September, one thousand seven hundred and twenty-three, have likewise thought fit to enjoin, require and direct him to propose to the Assembly of Carolina, to settle effectual funds for the speedy sinking and discharging of such additional bills of credit as have been issued by virtue of the Act abovesaid; and his Excellency the Governour hath thought fit to communicate and recommend the same to the said Assembly; and whereas the said Governour, Council and Assembly, in testimony of their desire to give obedience to the said orders of their Excellencies the Lords Justices, and to the end that the proprietors of such bills as are thereby intended to be made no longer current may receive a full and ample satisfaction and value for such additional bills of credit, we pray your most sacred majesty that it may be enacted,

The within mentioned bills of credit amounting to £55,000 shall be paid to the publick treasurer in duties only.

I. *And be it enacted* by his Excellency Francis Nicholson, Esq. Governour, by and with the advice and consent of his Majesty's honourable Council and the Assembly of this Province, and by the authority of the same, That the said bills of credit, amounting to fifty-five thousand pounds, and consisting in twenty pound bills, fifteen pound bills, twelve pound bills and eight pound bills, shall be paid in from time to time to the public receiver or treasurer of this Province for the time being, in duties only; and the said public treasurer is hereby directed and required to receive the customs and duties of this Province in the said twenty pound bills, fifteen pound bills, twelve pound bills and eight pound bills, and in no other species of bills whatsoever, unless the whole duty to be paid in at one time shall amount to less than eight pounds, (the duties appropriated for the payment of the clergies salaries, by an Act for laying an imposition on skins and furs, and that for building the brick church in Charles-town excepted;) and the said publick treasurer is hereby further required and enjoined to keep the said different species of bills on different files, and to burn the same once in every six months after the ratification of this Act, in the presence of any two of his Majesty's honourable Council, and any three of the members of the Commons House of Assembly, to be for that purpose appointed by the Governour, Council and Assembly for the time being; and shall not reissue the same on any pretence whatsoever, except in exchange for any of the four before mentioned species of bills; and the said public treasurer shall keep a just and fair account of what bills from time to time shall be so received and cancelled as aforesaid, and so shall continue to do from time to time, until the said four species of twenty pound bills, fifteen pound bills, twelve pound bills, and eight pound bills, amounting in the whole to the said sum of fifty-five thousand pounds, be called in, cancelled and sunk.

The sum of £8000 to the Commissioners of the Bank.

II. And whereas, there is still remaining the sum of eight thousand pounds to be called in by the Act commonly called the Bank Act, *Be it further enacted* by the authority aforesaid, That for speedier sinking the said additional bills of credit, that the sum of eight thou-

sand pounds so to be paid in to the commissioners of the bank, shall from henceforth be paid to the commissioners of the bank in some one of the said four species of bills, to wit: the said twenty pound bills, the fifteen pound bills, the twelve pound bills or the eight pound bills, by them to be cancelled and sunk, and in no other species of bills whatsoever, save only to make small change if need be; any former law or usage to the contrary thereof in any wise notwithstanding.

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III. *And be it further enacted* by the authority aforesaid, That the remaining fifty-three thousand pounds which are not declared to be repealed by the said order of their Excellencies the Lords Justices, together with the eight thousand pounds, remaining part of the fifty-two thousand pounds, formerly issued by the bank Act, be and are hereby declared to be current in all payments whatsoever, (duties to the public treasurer excepted, unless the same shall be tendered in payment for duties arising from the skin and furr Act, for the payment of minister's salaries, and that for building the brick church in Charlestown,) for and until such time as an effectual provision can be hereafter made for the calling in and sinking the same, pursuant to the resolution of the General Assembly taken in that behalf.

The remaining bills declared to be current till provision be made for calling in the same.

IV. *And be it further enacted* by the authority aforesaid, That if there be any old bills still outstanding, which are not already changed and commuted into the new bills, the former commissioners for issuing out the said new bills are hereby impowered and required to continue to commute and exchange the same; and that from and after eight months next after the passing of this Act, none of the old bills outstanding shall be current throughout this Province.

The old bills to be exchanged and not to be current after 8 months.

JA. MOORE, *Speaker.*


Charlestown, Council Chamber, February 15th, 1723.

Assented to by FR. NICHOLSON, *Governour.*

AN ACT TO REVIVE AND CONTINUE THE SEVERAL ACTS THEREIN MENTIONED. No. 484.

WHEREAS, several wholesome and beneficial temporary laws of this Province are expired or near expiring, we humbly pray your most sacred Majesty that it may be enacted,

I. *And be it enacted* by his Excellency Francis Nicholson, Esq. Governour, by and with the advice and consent of his Majesty's honourable Council and the Assembly of this Province, and by the authority of the same, That an Act entituled an Act for the raising a publick store of powder for the defence of this Province, ratified the twelfth day of July, in the year of our Lord one thousand seven hundred and seven; and one other Act entituled an Act for carrying on the building and for finishing and compleating the brick church in Charlestown, and declaring it to be the parish church of St. Philip's Charlestown, ratified the ninth day of December, one thousand seven hundred and twenty; and one other Act entituled an Act for the better settling and regulating the Militia, ratified the second day of September, in the year of our Lord one thousand seven hundred and twenty-one; and one other Act entituled an Act for ascertaining publick officer's fees, &c. ratified the twenty-first day of

A. D. 1723.  September, in the year of our Lord one thousand seven hundred and twenty-one—be and are hereby declared to be revived and continued, and enacted to be of full force for and during and unto the full term and time of one year after the passing of this Act, and from thence to the end of the first session of the next General Assembly after, and no longer.

II. And whereas, the aforesaid Act for raising a publick store of powder for the defence of this Province has been for some time expired, and Michael Brewton, powder receiver, having since the expiration of the said Act continued to receive the usual duty of powder, *Be it therefore enacted* by the authority aforesaid, That the said Michael Brewton, and all persons acting under him in that office, are hereby declared to be saved harmless and indemnified from every matter and thing that he or they have so done and performed, by colour of the aforesaid Act.

JA. MOORE, SPEAKER.

Charlestown, Council Chamber, February 15, 1723.

Assented to by FR. NICHOLSON, GOVERNOUR.

No. 485. AN ACT FOR JOINING AND ANNEXING THE INHABITANTS OF THE FERRY-PATH TO THE SAME DIVISION WITH THE INHABITANTS OF THE SOUTH SIDE OF ASHLEY RIVER, FROM HOOPER'S BRIDGE TO THE LINE THAT DIVIDES THE PARISHES OF ST. ANDREW'S AND ST. GEORGE'S, AND SOME OTHER POWERS GIVEN TO THE COMMISSIONERS OF THE HIGHWAYS.

Preamble. WHEREAS, by a petition from the several inhabitants of Tupelo Swamp, complaining of the hardships they lay under by being obliged to work upon the Ferry-path two years, and after that, that one half of the said inhabitants are to return to the high road on Ashley river, notwithstanding they are obliged to make the said road at least sixteen feet, through many long and deep swamps; therefore for relieving of the said petitioners and putting them on a level with the other inhabitants of St. Andrew's parish, we therefore pray your most sacred Majesty that it may be enacted,

I. *And be it enacted* by his Excellency Francis Nicholson, Esq. Governour, by and with the advice and consent of his Majesty's Council and Assembly of this Province, and by the authority of the same, That from and after the ratification of this Act, the said road from Ashley ferry to Stono bridge, shall be in the same Division and under the same commissioners of the high-roads from Hooper's bridge to the line that divides the parishes of St. Andrew's and St. George's, and the inhabitants of the said District shall do equal labour on all the high-roads in the said Division, as in other Divisions.

II. *And be it further enacted* by the authority aforesaid, That Henry Toomer and Thomas Elliot, the son of William Elliot, shall be added to the said Commissioners.

III. *And be it further enacted*, That one clause in the Act for repairing the causeway leading to Ashley river ferry, and the road from the South side of Ashley river to the bridge over the North-east branch of Stono river, and for vesting the ferry in Capt. Edmund Belinger, viz: "*And*

The road from Ashley ferry to Stono bridge shall be under the same commissioners of the high-road from Hooper's bridge.

H. Toomer and Th. Eliott added to the commissioners.

Two clauses in a former Act Repealed.

be it further enacted by the authority aforesaid, That the high-road leading from the South side of Ashley river to the bridge over the North-east branch of Stono, shall be made, mended and kept in repair by all the said slaves of the said Edmund Belinger, from sixteen to sixty years," and ending, "provided nevertheless, and it is hereby declared, that the slaves of the said Edmund Belinger shall and may be put and continue to work on the said ferry causeway till the same be finished;" and another clause, viz: "*And be it further enacted* by the authority aforesaid, That Colonel William Bull, Mr. George Smith and Mr. Richard Butler, or any two of them," and ending, "are hereby declared to be invested with all and singular the powers and authorities as any other commissioners of the highways are invested with, by virtue of the above recited Act"—which two foregoing clauses are hereby declared to be repealed and made null and void to all intents and purposes whatsoever; provided nevertheless, and it is hereby intended, that the said Col. William Bull, George Smith and Richard Butler, are to continue commissioners of the ferry and causeway in the possession of Capt. Edmund Belinger; any thing to the contrary in any wise notwithstanding.

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IV. And whereas, great inconveniencies may happen to arise by one sett of commissioners not meeting with and joyning with the high-roads belonging to another sett of commissioners which lye above them, by means of which defect the upper parishes may be prevented from having the benefit of the said new roads to town, to the great prejudice of the upper parishes, *Be it therefore enacted* by the authority aforesaid, That if the two joyning setts of commissioners, after due notice given of the time and place of meeting, by one sett of commissioners to the other sett of commissioners, do not agree to survey any new road between the said divisions, that then the first survey after the ratification of this Act to be made by either of the setts of the commissioners shall stand good, and the adjoining commissioners are hereby obliged to make their road to the said bounds as laid out by the other set of commissioners adjoining, within six months after they are requested so to do by the said commissioners, but upon refusal, every one of the parties so refusing shall forfeit to the commissioners so aggrieved, for the use of their road, the sum of forty shillings sterling, or the value thereof in this currency, to be recovered by virtue of a warrant from any justice of the peace, who is hereby impowered and required, upon application made to them by the aggrieved commissioners, to grant the same; and in case the commissioners should again refuse to comply with the second request of the adjoining commissioners as aforesaid, the magistrate is required to issue out a second execution, and oftener in case of complaint, if the said neglect is repeated; any law, usage or custom to the contrary in any wise notwithstanding.

The two joining sets of commissioners to agree in surveying any new road between the divisions.

V. And whereas, great impositions will be laid on the inhabitants living near any bridges that are built, the best of their timber being generally made use of to make those bridges, to the great damage of the said inhabitants; for the preventing of which, and for the more equal charge of the division or divisions that build the said bridge or bridges, *Be it therefore enacted* by the authority aforesaid, That the commissioners of each division are hereby impowered and required to take any convenient timber for continuing or rebuilding and repairing of framed bridges already built, and all such other bridges as shall hereafter be built in pursuance of this or any former law, paying such reasonable price for the same as they think fit, and all other bridges to be built and repaired with the most convenient adjoining timber, without paying for the same; and

Commissioners to pay for bridges built and to be built, pursuant to this or any former law.

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The male inhabitants in their divisions to be assessed for building bridges, &c.

the said commissioners are hereby impowered and required to continue, rebuild and repair all or any bridge or bridges already built or to be built in their respective divisions, at the equal charge of all the male inhabitants from sixteen to sixty years of age, any law to the contrary notwithstanding.

VI. *And be it further enacted*, That the commissioners are hereby authorized and impowered to assess on all the male inhabitants from sixteen years to sixty, and to appoint as many persons as they see fit to enquire and get accounts of all the male inhabitants of the respective precincts and divisions, and to collect all or any sums of money according to the directions of the commissioners, either by execution or otherwise, for building bridges, cutting of creeks, or working on the high-roads; and in case any of the persons so appointed, shall refuse to act, then and in such case the commissioners are hereby impowered and authorized to grant an execution against the party so offending, for the sum of ten pounds, to be executed by any persons the commissioners shall appoint, and shall apply the said sum for the use of the roads, bridges or creeks.

The present commissioners shall issue out their warrants and collect the arrears.

VII. And whereas, complaints have been made that several persons who have been defaulters, do make their advantage of the repeal of the former high-way laws, and refuse to pay the said debts and labour, *Be it therefore enacted* by the authority aforesaid, That the present commissioners, having first received good information and proof from the former commissioners or otherwise, of the debts due to the high-roads, bridges or creeks, shall issue out their warrants as in case of defaulters, and collect the said money for the use of the said high-roads, bridges or creeks; and the several parishes in this Province, who are indebted to private persons on account of the roads or bridges, are hereby impowered, required and directed to pay the same.

The leave of the General Assembly a sufficient authority for building a new bridge.

VIII. *And be it further enacted* by the authority aforesaid, That in case it shall be thought necessary hereafter to build any new bridge exceeding sixty feet in any part of this Province, the leave of the General Assembly shall be and is hereby declared a sufficient authority for the building any such new bridge, and such bridges built shall be deemed a lawful bridge, and kept in repair pursuant to this and all former laws.

All the inhabitants shall give an account of their taxable slaves upon oath.

IX. *And be it further enacted* by the authority aforesaid, That all the inhabitants of the several parishes of this Province, within ten days after publick notice given by the commissioners of the high-ways in their several divisions, shall appear before any one of the said commissioners, and return an account upon oath of the number of all their slaves taxable to the roads, and also the names of such slaves, and in case they shall refuse or neglect so to do, each party so offending shall forfeit five pounds, to be applied to the use of the roads, to be recovered by warrant from any one of the commissioners.

The commissioners impowered to hire slaves.

X. *And be it further enacted* by the authority aforesaid, That the commissioners shall have power, and they are hereby impowered to hire as many slaves as they think necessary, to work on any cuts and creeks, and to assess the same on the inhabitants of the several divisions wherein such creeks and cuts are.

And to agree with any person to make or mend roads and bridges, and to assess the same on the inhabitants.

XI. *And be it further enacted* by the authority aforesaid, That the commissioners of the high-ways for the several districts in this Province, shall have power, and they are hereby impowered, to agree with any person or persons to make, mend and repair the several roads, causeways and bridges in their districts; and they are also hereby impowered, agreeable to the Act for making, mending and altering the high-roads, to assess and levy on the inhabitants of the said parish all such sum or sums of money as they shall agree for, about or concerning the roads, paths,

causways and bridges as aforesaid, and that no commissioners of the highways in this Province shall alter, by moving, any high-roads, after the first day of January next ensuing.

A. D. 1723.

JA. MOORE, SPEAKER.

*Charlestown, Council Chamber, February 15, 1723.**Assented to by FR. NICHOLSON, Governour.*

AN ACT FOR SETTLING AND REGULATING THE PILOTAGE OF THIS PROVINCE. No. 486.

WHEREAS, it is highly necessary, for the safety of all vessels bound for this Port and going out of the same, that there be able and sufficient Pilots appointed and constituted, for bringing in and carrying out the same; for the more effectual performance of which, we pray your most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted* by his Excellency Francis Nicholson, Esq. Governour, by and with the advice and consent of his Majesty's honourable Council, and the Assembly of this Province, and by the authority of the same, That the number of the Pilots in this port shall not exceed four, nor less than three, to be appointed by the Governour and Council; and that each pilot be obliged to take a white apprentice or servant, and keep him employed in his boat during his apprenticeship or service; and that John Hogg, Jonathan Collins, John Smith and John Watson be the present pilots, for piloting all ships and vessels whatsoever, that may happen and shall be designed to come into and go out of this port; and the said pilots and every of them, hereby appointed, or that shall be appointed by the Governour and Council, are hereby required to make it his and their business to look out for, and repair on board, and take care of, and discharge the part, place and trust of pilots, on and upon every ship or vessel that shall come into or go out of this port; and that they and each of them shall take the following oath: I, A B, appointed one of the pilots for the port and harbour of Charlestown, do solemnly swear that I will well and faithfully discharge the duty of a pilot, according to the best of my skill and knowledge; and that I will at all times, wind and weather permitting, repair on board all ships and vessels coming in or going out of this harbour, and lose no time, according to my power, in safely carrying out or bringing in the same; and I do further swear that I will, from time to time, observe and follow, according to the best of my knowledge, such orders and directions as I shall receive from his Excellency the Governour and his Majesty's Council, or the Commander in chief for the time being, pursuant to the law for settling and regulating the pilotage of this Province.

Pilots nominated.

Oath to be taken by them.

II. *And be it further enacted* by the authority aforesaid, That the Governour or Commander in chief for the time being, with the advice of his Majesty's honourable Council, be and he is hereby declared to be sole commissioner for putting this Act in execution; and the Governour or Commander in chief, with the advice of his Majesty's Council, is hereby empowered to hear and determine all and all manner of complaints, differences and disputes that shall or may from time to time arise between the several and respective pilots and the master or masters of any ship or vessel, touching and concerning the pilotage of the same, or any other matter or

The Governor to be sole commissioner under this Act.

A. D. 1723.

Fine for neglect
of duty.Pilot entitled to
pay if he offers
to perform his
duty.Pilots liable for
damage done
by neglect or
unskilfulness.Persons not
commissioned
as Pilots shall
receive no pay.Fees for
pilotage.

thing arising within the true intent and meaning of this law; and the decision of the said Governour or Commander in chief, with the advice of the Council, in any of the cases aforesaid, shall be binding and conclusive, as well to the said pilot or pilots, as to the master or masters of every ship or vessel. And the pilot or pilots, any or either of them, or any master of any ship or vessel, refusing to abide by the order and decision of the said Governour or Commander in chief for the time being, with the advice of his Majesty's Council, shall forfeit to his Majesty, his heirs and successors, towards the support of the Government, ten pounds; and the pilots refusing to abide by such order and decision, or refusing to pay the said sum of ten pounds, shall be, by the said Governour or Commander in chief with the advice of the Council, dismissed, and rendered incapable to act any longer as a pilot: and if any master of any ship or vessel shall refuse to abide by such order, or pay the said sum of ten pounds, the said Governour or Commander in chief, with the advice of the Council, shall cause the same to be levied by warrant under his hand and seal.

III. *And be it further enacted* by the authority aforesaid, That any person or persons whatsoever that shall bring any ship or vessel to the bar of this harbour and shall refuse to receive on board the said pilot or pilots, any or either of them, the person or persons so refusing, and afterwards bringing such ship or vessel into the port aforesaid, shall and is hereby made liable to pay to the pilot first coming on board such ship or vessel without the Bar, and offering to take charge thereof as pilot, the same rates, dues and payments as is hereinafter particularly expressed and provided to be paid, in the same manner as if the said pilot had actually piloted the said ship or vessel into the said port.

IV. *And be it further enacted* by the authority aforesaid, That if any ship or vessel whatsoever shall happen to receive any damage, miscarry or be lost, through the neglect, insufficiency or any other defect in or by any such of the pilots as shall take charge of the said ship or vessel, and being legally convicted of the same, that then and in such case the said pilot or pilots so taking charge shall answer for and make good all and every the damages and losses so sustained and done as aforesaid.

V. *And be it further enacted* by the authority aforesaid, That if any other person or persons not nominated, constituted and appointed by this Act, or by the Governour and Council, shall presume to undertake the care and charge of a pilot, or shall bring into the said port any ship or vessel whatsoever, he or they so presuming shall not have or receive any reward.

VI. *And be it further enacted* by the authority aforesaid, That the master or commander of any ship or vessel, for the consideration of the pilotage of his ship or vessel into this port, before Charlestown, shall pay unto him or them of the said pilots that shall take charge as aforesaid, the several sum and sums of money, rates and prices, as herein after appointed by this Act, as full and ample satisfaction unto the said pilot for his care and charge as well for the carrying out as bringing in of any ship or vessel as aforesaid: that is to say, the master or commander shall pay unto the pilot, for any ship or vessel of the draught of six feet of water and under that shall be brought into Cooper River before Charlestown and carried out again—six feet, one pound ten shillings proclamation money, or six pounds this currency; seven feet, two pounds proclamation money, or eight pounds this currency; eight feet, two pounds ten shillings proclamation money, or ten pounds this currency; nine feet, three pounds proclamation money, or twelve pounds this currency; ten feet, three pounds ten shillings proclamation money, or fourteen pounds this currency; eleven feet, four pounds proclamation money, or sixteen pounds this currency:

twelve feet, four pounds ten shillings proclamation money, or eighteen pounds this currency; twelve feet and a half, five pounds proclamation money, or twenty pounds this currency; thirteen feet, five pounds ten shillings proclamation money, or twenty-two pounds this currency; thirteen feet and a half, six pounds proclamation money, or twenty-four pounds this currency; fourteen feet, six pounds ten shillings proclamation money, or twenty-six pounds this currency; fourteen feet and a half, seven pounds proclamation money, or twenty-eight pounds this currency; fifteen feet, eight pounds proclamation money, or thirty pounds this currency; sixteen feet, ten pounds proclamation money, or forty pounds this currency; seventeen feet, twelve pounds ten shillings proclamation money, or fifty pounds this currency. And in case the currency of this Province should be altered in value, that then and from thenceforth the exchange shall be settled and appointed by the Governour and Council, whose determination shall be final, binding and conclusive, as well to the respective master or commander of every ship or vessel, as to all, any or either of the pilots hereby appointed or to be appointed by the Governour and Council, by virtue hereof.

A.D. 1723.

VII. *And be it further enacted* by the authority aforesaid, That the person who shall be security in the Secretary's office for any ship or vessel shall be obliged to pay to the respective pilots the money to them due for pilotage of such ship or vessel, and that it shall and may be lawful for any of the said pilots to recover the same by action of debt in any court of record in this Province, with his full costs of suit.

The securities
of a vessel
liable for the
pilotage.

VIII. *And be it further enacted* by the authority aforesaid, That in case any of the said pilots should dye, go off this Province, refuse to act, neglect or absent them or himself from attending his duty, or in any manner whatsoever misbehave himself, or shall be found not sufficiently skilled, or in any other manner rendered incapable of acting, such pilot or pilots shall be suspended or turned out by the Governour and Council, who shall immediately thereupon, by warrant under the hand and seal of the Governor or Commander in chief for the time being, nominate and appoint such other person or persons as the Governour and Council shall judge most proper to supply the place of such pilot or pilots dying, going off, refusing to act, or being suspended or turned out as aforesaid; and such nomination and appointment shall be deemed lawful and authentick, and the person so appointed shall be intitled to the same rewards as is by this Act appointed, and subjected to the same punishments and forfeitures as the other pilots, until the sitting of the next General Assembly, and from thenceforth, if the said General Assembly shall approve of such person and confirm him in the said place.

Pilots dying or
absenting.

IX. *And be it further enacted* by the authority aforesaid, That the said pilots hereby already appointed, and such as shall be by the Governour and Council hereafter appointed, shall and are hereby obliged to keep a sufficient number of good decked boats, well fitted with substantial tackle, rigging and apparel for the sea, and also necessary and proper canoes or boats, that shall be able and fitting to row out to sea when the weather shall be calm and unfit for one of the said decked boats; each of which said decked boats, as also the said canoes or boats, shall be manned with one good and able person, besides the pilot and his apprentice or servant; and one of the said decked boats or the said canoes or boats shall constantly be and attend at Sullivan's Island, and shall (with a pilot on board) every day go over the Bar, on purpose to discover and go on board any ship or vessel intending for this port, whenever the wind and weather will permit

Pilots to keep
sufficient boats.

A. D. 1723.

such pilot so to do. And the said pilots, and every of them, are hereby enjoyned and directed to observe and perform all and every the directions and instructions of the said Governour or Commander in chief for the time being, with the advice of the Council, that shall be from time to time given to them, touching and concerning the more speedy and effectual putting in execution all and every the matters and things hereby directed and intended to be done and performed.

Vessels to be
moored in safe
places.

X. *And be it further enacted* by the authority aforesaid, That all and every pilot in this harbour, when he hath brought any ship or vessel to an anchor in the harbour before Charlestown, shall and they are hereby required and directed to moor such ship or vessel, or to give the best advice and directions in their power to the master or masters of such ships and vessels, for their being moored, and for their safe riding at such moarings.

Fee for
instructions.

XI. And whereas, ships and vessels falling to the northward or southward of the bars of Charlestown, are often in hazie weather at a loss to know where they are, for want of encouragement given to people from on shoar to repair to them for their instruction, upon signals made for that purpose, by firing of a gun, or making a whiff with the auntient, *Be it enacted* by the authority aforesaid, That when any master of a vessel bound for the port of Charlestown, receives on board or takes instructions from any white person to the bars of Charlestown, the master of such vessel shall and he is hereby directed and obliged to pay to such instructor, one pound five shillings proclamation money, or five pounds current money of this Province; and provided such instructor be desired to continue on board such ship and vessel, to bring them to the barr of Charlestown, that he be allowed the allowance aforesaid for every day, not exceeding two days; and in case the said instructor shall, by stress of weather or otherways, be obliged to continue longer on board, that then and in such case he be allowed fiveshillings proclamation money, or twenty shillings current money of this Province, for every day he shall continue on board over and above two days, as aforesaid; which encouragement shall be paid by the master or commander of such vessel, and by him charged to the account of his owners.

Damages, fines
and forfeitures
to be recovered
in any Court of
Record.

XII. *And be it further enacted* by the authority aforesaid, That the aforesaid instructor shall and he is hereby impowered to recover all such sum and sums of money as shall be due to him for any service he shall perform to any ship or vessel, in pursuance of this Act, by the same means and methods as is before directed for pilots recovering their pilotage; provided he apply for the same during the stay of the said ship or vessel in any port in this Province. And that all fines and forfeitures accruing by this Act, shall be to his Majesty, his heirs and successors, for the several and respective uses therein mentioned, to be recovered in any of his Majesty's courts of record in this his Majesty's Province, wherein no essoin, protection or wager of law shall be admitted or allowed.

JA. MOORE, *Speaker.*

Charlestown, Council Chamber, February 15, 1723.

Assented to by FR. NICHOLSON, *Governour.*

A. D. 1723.

No. 487.

AN *Additional ACT* TO AN ACT ENTITLED AN ACT FOR THE BETTER
REGULATING OF THE INDIAN TRADE, BY APPOINTING COMMISSIONERS
FOR THAT PURPOSE: PASSED THE NINETEENTH OF SEPTEMBER, 1721.

WHEREAS, the safety, welfare and preservation of this Province, in a great measure depends on the behaviour of the Indian Traders trading with the several nations of Indians in amity with this Government; and whereas, the methods hitherto taken by this Government for the restraining the abuses committed by the said traders among the said Indians, have proved ineffectual, who being generally loose, idle and disorderly persons, frequently despise, have no regard for, and disobey the orders of his Excellency the Governour in Council, to the great hazard of the peace and tranquillity of his Majesty's subjects inhabiting in this his Majesty's Province, and the loss of so beneficial a trade, which takes off a great quantity of the woollen manufactory of Great Britain; and whereas, the affairs relating to the government of the said Indian traders has taken up too much of the time of his Excellency the Governour and his Majesty's honourable Council, whose constant attendance on other affairs of the Government is become very burdensome: We therefore pray your most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted* by his Excellency Francis Nicholson, Esq. Governour, by and with the advice and consent of his Majesty's honourable Council and the Assembly of this Province, and by the authority of the same, That all and singular the powers and authorities relating to any matter or thing whatsoever, that were by the said Act for the better regulation of the Indian trade, given to the commissioners therein nominated, and afterwards by another Act entituled an Act for the amendment of an Act of this present General Assembly, entituled an Act for the better regulation of the Indian Trade by appointing Commissioners for that purpose, &c. were vested in his Excellency the Governour, and in any three members of his Majesty's honourable Council, are hereby declared to be vested in the Honourable James Moore, Esq. in as full and ample manner as if every the said powers and authorities were herein particularly mentioned; any thing in the said Acts or in any other Act to the contrary thereof in any wise notwithstanding.

Hon. J. Moore
appointed
Commissioner.

III. *And be it further enacted* by the authority aforesaid, That in ten days after the passing of this Act, all and singular the books, papers, journals, seals, and other proceedings whatsoever, relating to the affairs of the Indian trade, shall be delivered unto the said commissioner, to be by him deposited into the hands of a fit person to be by him nominated as Secretary of Indian affairs, who is hereby impowered and directed to perform and execute all and singular the matters and things which are required to be performed by the Secretary in either of the said Acts, and is hereby also entituled to receive four pounds current money for giving out lycences and instructions and taking bonds by the said Acts. And the said person so nominated as Secretary shall, before he takes upon him the said office, appear before the Commissioner, and there take the State oaths and the following oath, viz: I, A B, do promise faithfully to perform and execute all and singular the matters and things which shall be required of me in discharge of the office of Secretary for Indian affairs, and that I will not imbezzle, erase or alter any matter or thing in any books or papers given

All books, papers, &c. to be deposited with the Secretary for Indian affairs.

A. D. 1723.

me in charge; and that I will fairly enter in a book for that purpose all the proceedings relating to the said Indian trade, which shall happen to be depending before the said Commissioner: so help me God.

Duty of the
Commissioner.

IV. *And be it enacted* by the authority aforesaid, That the said Commissioner shall be obliged once in a year to visit the garrisons at the Savano town and Pallachola old town, or oftener, if the General Assembly or he thinks it necessary; and he is hereby further impowered to order and command the commanders of the said garrisons to keep in repair and add such works to their respective garrisons, by the labour of the soldiers, as the said Commissioner shall think necessary for the defence of the said garrisons; and shall also view and take an account of all the warlike stores belonging to the said garrisons, and give orders and directions for the supplying of such stores as shall be wanting; and the commanders of the said garrisons are hereby ordered to obey all such orders as they shall receive from the said Commissioner; and the said Commissioner is hereby directed to keep a journal of all his proceedings in the premises, and a fair copy thereof return to his Excellency in Council, upon his return into the Settlement.

Persons licen-
ced to declare
to what nation
they are going.

V. *And be it further enacted* by the authority aforesaid, That any person claiming any lycence, by virtue of the said Act, to trade to any nation of Indians in amity with this Government, shall declare to what nation he is going to trade with, which shall be inserted in his lycence; and there shall be a condition inserted in his bond, not to transgress the bounds limited by such lycence, under penalty of forfeiting the same. And that all traders taking out lycences to trade with the northward Indians, shall be confined to trade with the Catabaws and other small tribes of the northward Indians, and shall not, by themselves or servants, or other persons employed by them, go from thence to the Charokees, to trade with them directly or indirectly; and those traders taking out lycences for to trade with the Charokees, shall not go from thence to trade with any other nation of Indians whatsoever; and those taking out lycences to trade with the Creeks, shall only trade with the western and southern Indians in amity with this Government, and no other.

Regulations as
to licences, &c.

VI. And for the ease of the Indian trade, and to encourage persons of interest and reputation to go out to trade amongst the Indians, and to make quick sale and returns, *Be it enacted* by the authority aforesaid, That when one principal trader shall apply for a lycence to go out to trade, he shall have liberty to take out one lycence, in his own name, inserting therein the names of two of the white men he shall carry with him, paying for such lycence the sum of thirty pounds current money; and for every other three men he shall carry with him, he shall have another lycence, paying the like sum of thirty pounds current money, and so in proportion for a greater or less number of men; the principal giving good security as well for his own as for all their good behaviour amongst the Indians, as by the said Act is directed. And upon the renewal of any such lycence, it shall be lawful for the said principal trader to leave as many of his said men amongst the Indians, to look after his stores and goods, as he shall think fit, but shall be obliged himself to come down to Charlestown to take out a new lycence: Provided always, that if there shall be any just complaint made against any of his men, on account of debt, or any misdemeanour committed by them, that then, upon an order under the hand and seal of the Commissioner served on the principal, he shall be obliged to send down such person complained of, under the penalty of forfeiting his lycence and bonds; and it shall not be lawful for the said principal to discharge any of his men in the Indian country from his service; and in case any person should

leave his employ in the Indian country, and any other trader should hire such person, such trader shall forfeit the sum of thirty pounds to his Majesty for and towards the support of this Government, and the first employer shall recover all such damages of the person that hired him as he shall prove that he has sustained for want of the service of such person leaving his employ.

A. D. 1723.

VII. And whereas, the greatest abuses complained of are generally committed by poor, loose and vagabond persons, who obtain credit for rum and small quantities of goods, and have nothing to answer any forfeitures or penalties incurred by them, by their transgressing the laws; to remedy which as much as may be, *Be it enacted* by the authority aforesaid, That every person applying for a lycence to the said Commissioner shall bring a certificate from the publick Treasurer that he has paid him the sum of thirty pounds current money for the support of this his Majesty's Government, before any lycence shall be granted as aforesaid, any thing in the said Act to the contrary notwithstanding.

Treasurer's
certificate to be
produced be-
fore licence
granted.

VIII. *And be it further enacted* by the authority aforesaid, That upon any complaint made against any person trading or residing amongst the Indians, and proof made upon oath that he was served with an order of the Governour or Commander in chief of this Province for the time being, or with an order of the Governour in Council, or of the said Commissioner, to come down and appear before them, or any of them, or shall contemptuously disobey any other order of Government, it shall be lawful for such Governour or Commander in chief for the time being, in Council, or the said Commissioner, to detach out of the Settlement such a number of horsemen, or a detachment out of any of the garrisons, not exceeding ten men at most, as they shall think necessary, to march into any nation of Indians and apprehend such disobedient trader or person residing amongst the Indians, and him safely to convey to the goal in Charlestown, there to remain until the next General Sessions of the Peace and Goal delivery to be held for this Province; and if he shall be there convicted of the said crimes, he shall be fined the sum of one hundred pounds to his Majesty for the use of this Government, and shall for ever after be incapable of going amongst the Indians; and all the charges that shall arise by sending for such person or persons, shall be defrayed out of the estate of such offender, or that of his security.

Offenders may
be summoned
to appear, or be
apprehended
by force.

IX. *And be it further enacted* by the authority aforesaid, That the said Commissioner, for doing his duty and executing the several powers and authorities given him by the before recited Act for regulating the Indian trade, or by this Act, and for visiting the garrisons, shall be allowed the sum of six hundred pounds, to be paid him by the public Treasurer, half yearly, who is hereby required and directed to pay the same accordingly. And before the said Commissioner shall take upon him to execute the said powers and authorities given him by this Act, he shall appear before the Governour in Council, and take the State oaths and the following oath, viz: I, A B, do promise to put in execution all the powers and authorities given to me as Commissioner by the Act for the better regulation of the Indian Trade, by appointing Commissioners for that purpose, which was passed the nineteenth of September, 1721, as also the further powers and authorities given me by the additional Act to the same, without favour or affection, to the best of my skill and power; and that I will not directly or indirectly receive any other benefit thereby but the salary therein allowed me—So, help me God.

Pay of the
Commissioner
£600.

Commissioner's
oath.

A. D. 1723.

In case the
Commissioner
should die or
refuse to act.

X. *And be it further enacted* by the authority aforesaid, That in case the said Commissioner dye or refuse to act, that then his Excellency the Governour or Commander in chief for the time being, with any three of his Majesty's Council, are hereby impowered to transact the affairs relating to the Indian Trade until the next meeting of the General Assembly after such death or refusal to act as aforesaid.

Limitation of
this Act.

XI. *And be it further enacted* by the authority aforesaid, That the said Act for the better regulating the Indian Trade, by appointing Commissioners for that purpose, and to survey and supervise the garrisons, and to settle the bounds of the Indians, and every part thereof, excepting what is by this Act altered or amended, and also this Act, shall continue and be of force for the full term and time of one year after the passing of this Act, and from thence to the end of the next Sessions of the General Assembly and no longer.

JAMES MOORE, SPEAKER.

Charlestown, Council Chamber, February 15, 1723.

Assented to by FR. NICHOLSON, *Governour.*

Repealed, see Act of April 17, 1725, and Temporary Act No. 13, section 16.

No. 488. *AN ACT* TO APPOINT THE COMMISSIONERS TO RECEIVE THE SEVERAL SUMS OF MONEY DUE ON BONDS FOR MONEY TAKEN UP ON INTEREST FROM THE PUBLICK.

Preamble.

WHEREAS, by the seventh clause of the Act of this Province entituled an Act for raising the sum of fifty-two thousand pounds by stamping and establishing new bills of credit, and putting the same out to interest, in order to call in and sink the former bills of credit, and thereby give a farther encouragement to trade and commerce, ratified in open Assembly the seventh day of June, A. D. one thousand seven hundred and twelve, it is enacted, that in case the sum of twelve pounds ten shillings in the said Act mentioned, to be the sum yearly to be paid for each hundred pounds taken up as in the said Act is prescribed, remains behind and unpaid to the commissioners or any five of them, by the time and space of ten days after the expiration of each year, during the twelve years in the said Act mentioned, then it shall and may be lawful for the chief justice, at the request of the commissioners or any five of them, who are hereby ordered and appointed to make such request, to issue out an execution for the said sum of twelve pounds ten shillings per annum, and so *toties quoties* as the said twelve pounds ten shillings shall become due and payable, and the chief justice aforesaid, upon such request, is thereby impowered and required to grant the same, and the said execution so granted should be as effectual to all intents and purposes in the law, without any other previous proceedings, as if the term of twelve years aforesaid was elapsed and expired; and whereas, by the said Act nine commissioners were nominated and appointed, whereof four only are now surviving, whereof one, viz: the honourable Arthur Middleton, Esq. and Ralph Izard, a commissioner chosen by virtue of the said Act, are members of his Majesty's Council, and another, viz: Capt. Christopher Wilkinson, is one of the members

of the honourable Commons House of Assembly ; and whereas the major part of the surviving commissioners have been obliged to attend the General Assembly at the time that the several sums became due to the publick, so that they could not put in execution the powers of the bank Act, for want of their attendance at the appointed time ; and there being a necessity to appoint some other persons in their room to receive the several sums due to the publick on the several bonds, and whereas several scruples and doubts have and may arise, whether the said commissioners could by virtue of the said Act receive the said several sums due on the said bonds, or take out executions as directed, now the time is elapsed, or at least till the next payment becomes due, whereby several inconveniences attend the said commissioners in the execution of the trust reposed in them in that behalf by virtue of the said Act ; for the prevention of the ill consequences thereof, we humbly pray your most sacred Majesty that it may be enacted,

A. D. 1723.

I. *And be it enacted* by his Excellency Francis Nicholson, Esq. Captain General and Governour in Chief of this his Majesty's Province, by and with the advice and consent of his Majesty's honourable Council and the Commons House of Assembly, and by the authority of the same, That the honourable Charles Hart, Esq. Lieutenant Colonel Thomas Smith, and Mr. Andrew Allen, merchant, are hereby nominated and appointed commissioners, and the said commissioners or any two of them, are hereby invested with all the powers given by virtue of the bank Act to the commissioners therein named, and that it shall and may be lawful to and for the said commissioners, at or upon the tenth day of March now next coming, and for ten days then next following, to sit *de die in diem*, the Sabbath exclusive, and then to execute the several powers mentioned to have been given to the commissioners therein named, and to grant executions respectively on the several sums ; any thing in any other Act to the contrary in any wise notwithstanding.

II. *And be it enacted* by the authority aforesaid, That the commissioners appointed by this Act, shall have for their pains and trouble therein, the sum of one hundred pounds, to be paid them by the publick treasurer, and the publick receiver is hereby required to pay the same accordingly.

III. *And be it further enacted* by the authority aforesaid, That all act or acts of the said commissioners done at any of their meetings, in order to execute the powers given them by the said Act for receiving such sum or sums of money due by that law, are hereby declared good and valid to all intents and purposes in the law, as if the same had been done and acted within the time appointed ; and the commissioners herein appointed shall, before they take upon them the execution of the powers given them by this Act, shall first qualify themselves as the former commissioners were obliged to do by the Act known by the name of the bank Act.

JA. MOORE, *Speaker*.

Charlestown, Council Chamber, February 15, 1723.

Assented to by FR. NICHOLSON, *Governour*.

A. D. 1723.

No. 489. *AN ACT* FOR REGULATING THE GUARD AT JOHNSON'S FORT, AND FOR THE KEEPING GOOD ORDERS IN THE SEVERAL FORTS AND GARRISONS UNDER THE PAY AND ESTABLISHMENT OF THE GOVERNMENT OF THIS PROVINCE.

Preamble.

WHEREAS, there is no law in force for regulating the guard at Johnson's fort, or for keeping good orders in the same, or in any other fort or garrison in this Province, under the pay and establishment of the same, we pray your most sacred Majesty that it may be enacted,

Commander
and six men to
be appointed as
a watch.

I. *And be it enacted* by his Excellency Francis Nicholson, Esq. Governour, by and with the advice and consent of his Majesty's honourable Council and the Assembly of this Province, and by the authority of the same, That the guard in Johnson's fort shall consist of a commander (to be commissioned by his Excellency the Governour, or the Governour for the time being, or Commander-in-chief, by and with the advice of his Majesty's honourable Council) and of six able men, to be enlisted by the commander, and to be approved of by the commissary for the time being; and the said six men shall keep watch in the said fort, and the commander shall from time to time observe, perform and keep such orders and directions for the managing and keeping of the said guard, as he shall from time to time receive from his Excellency the Governour, or the Governour for the time being, or Commander-in-chief, by and with the advice of the honourable the Council, under the penalty, for every neglect or offence committed and being thereof convicted before the Governour, or Commander-in-chief for the time being, in Council, of forfeiting such part of his salary as they shall think fit.

Penalty for
neglect of duty.

Duty of the
Watch.

II. *And be it further enacted* by the authority aforesaid, That each soldier enlisted by the said commander, and approved of as aforesaid, to keep guard in the said fort, shall be compleatly armed and fixed with ammunition, as any soldier or inhabitant is ordered and directed by the Militia Act, and shall dwell and make his residence in the said fort, and shall not absent themselves in the night time nor in the day, without leave from the Captain, and be at all times ready to receive their orders from the said commander.

£200 currency
to be allowed
the commander
per annum.

III. And for the better encouragement of the said commander and six men, to be diligent and faithful in their several duties and stations, *Be it enacted* by the authority aforesaid, That the commander be paid and allowed to him the sum of two hundred pounds current money, per annum, and each listed private man be paid seventy-two pounds like current money, per annum, to be paid half yearly by the treasurer, out of the monies that shall be appropriated for payment of the same; and the said commander and each man shall be farther allowed two barrels of beef, twelve bushels of corn, and one hundred weight of rice per annum, to be furnished them by the commissary, as is directed by the Act for strengthening the frontiers of this Province, to the other soldiers in the country's pay.

The master of
every vessel to
pay 5 shillings
entrance
money.

IV. *And be it further enacted* by the authority aforesaid, That every master of every vessel that shall come into the port or harbour of Charles-town, on producing his let-pass to the commander of the said fort, shall pay or cause to be paid unto the said commander the sum of five shillings.

V. *And be it further enacted* by the authority aforesaid, That the said fort is hereby appointed to be the rendezvous of the company on James' Island, in the case of an alarm, and the inhabitants of that Island are hereby directed to appear in the said fort, under their respective commanders, there to observe such farther orders as shall be given them by the Governour or Commander-in-chief of this Province for the time being, or any of his superior officers.

A. D. 1723.

The said fort to be a rendezvous in case of alarm.

VI. And forasmuch as the men belonging to the several forts and garrisons under the establishment and pay of this Government, can be of little use or service to the safety of the same, without they are under military discipline, and that the several commanders of the same have full power to keep good orders amongst them, *Be it therefore enacted* by the authority aforesaid, That all and singular the private men or soldiers belonging to any fort or garrison in this Province, and under the pay of the Government thereof, who shall not from time to time observe, perform and keep all such orders, commands and directions given them by their commanding officer or officers for the better performing their duty in their several stations, as they shall from time to time receive from their said commanding officer or officers, upon the penalty for every neglect thereof or offence committed, and being thereof convicted before such commanding officer or officers, of suffering such corporal punishment as the said officer or officers for such fault shall inflict upon, or order to be inflicted upon him or them, not extending to life or limb, the said corporal punishments to be such as are commonly used as military punishments.

The men to be subject to corporal punishment for neglect of duty.

VII. *And be it further enacted* by the authority aforesaid, That if any soldier or sentry, after he or they are put upon duty, shall be drunk or render themselves incapable to perform their trust, or shall sleep upon the watch, he or they so offending and being thereof convicted before their superior officers, shall suffer such military corporal punishment (life and limb excepted) as the commander of the fort or garrison shall think fit.

Sentry found drunk on duty.

VIII. *And be it further enacted* by the authority aforesaid, That his Excellency the Governour or Commander-in-chief for the time being, is hereby authorized and empowered, by their instructions under their hand and seal, directed to the several commanders of the several garrisons under the country's pay as aforesaid, to appoint what sort of military punishments shall be inflicted from time to time, adequate to the several crimes committed by disorderly, disobedient and factious soldiers; and in all extraordinary cases to give instructions to respite the punishment of any offenders until the same be reported to him, in order to receive his farther determination thereof; any thing in this Act to the contrary in any wise notwithstanding.

Punishments may be appointed by the Governour, &c.

IX. *And be it further enacted* by the authority aforesaid, That if at any time it shall please his Excellency the Governour, or the Commander-in-chief for the time being, to order any detachment out of the independent company under his Majesty's pay, into any the garrisons of this Province, under the pay of the same, without a commission officer of their own to command, that then and not otherwise, every such detachment shall be under the same regulation, command, pains, penalties and punishments as any other soldiers in the country pay are under.

Detachments of his Majesty's soldiers ordered on country duty to receive the pay of country troops.

X. And whereas, several people keeping punch houses have entertained the soldiers and private men belonging to the said forts and garrisons, and suffer them to tipple and get drunk in their houses, and often credit them more than they are able to pay, whereby they neglect their duty and often abscond from the publick service, *Be it therefore enacted* by the authority aforesaid, That if any person or persons whatsoever, keeping a punch

Keepers of Punch-houses not to allow credit to any soldier or private.

A. D. 1734. house, or other tippling house or shop, shall entertain, harbour or credit any soldier or private man, enlisted in any fort or garrison in this Province, without leave first had from their commander or officers, that then and in such case, he, she or they so offending, shall forfeit for each time they are convicted thereof, before any one justice of the peace, the sum of forty shillings proclamation money, to be paid to the church-wardens of the parish where the crime is committed, for the use of the poor of such parish, and shall also loose the money so credited or trusted; and that all fines and forfeitures accruing by this Act, shall be to his Majesty for the several and respective uses therein mentioned, and no otherwise.

One hundred acres belonging to the fort to be under the command of the guard.

XI. *And be it enacted* by the authority aforesaid, and it is hereby declared, That the hundred acres of land belonging to the publick, adjoining to Johnson's fort, shall be made use of by the commander and men belonging to the said fort, for the use of the said fort; and the commander and men belonging to the said fort for the time being, may clear, fence, plant provisions, make gardens and other improvements upon the same, to their own proper use, so long as they belong to the said fort, and no longer.

To continue in force 2 years.

XII. *And be it further enacted* by the authority aforesaid, That this Act, and every thing contained therein, do continue in force the term of two years, and from thence to the end of the next sessions of the General Assembly, and no longer.

JA. MOORE, *Speaker.*

Charlestown, Council Chamber, February 15, 1723.

Assented to by FR. NICHOLSON, Governour.

No. 490. AN ORDINANCE for adjournment of the General Sessions.

(Passed 12th March, 1724. Expired. The original not now to be found.)

No. 491. AN ACT for the founding and erecting, governing, ordering, and visiting, a Free School, at the Town of Dorchester, in the Parish of St. George, in Berkley county, for the use of the inhabitants of the Province of South Carolina.

(Passed March 24, 1724. The original Act not now to be found.)

Another Act was passed 9th April, 1734, for founding and erecting a Free School at the said Town of Dorchester, which will be inserted.

No. 492. AN ACT TO IMPOWER THE CHURCH-WARDENS OF ST. GEORGE'S PARISH TO SELL AND DISPOSE OF THE PRESENT GLEBE, AND TO PURCHASE ANOTHER FOR THE USE OF THE RECTORS OF THE SAID PARISH.

Preamble.

WHEREAS, in and by one deed of feofment, bearing date the second day of May, in the year of our Lord one thousand seven hundred and twenty, executed in due form of law by Thomas Graves, of Berkley county, in the Province of South Carolina, the said Thomas Graves did grant, bargain, sell, alien, enfeof and confirm unto Alexander Skene,

Samuel Wragg, Walter Izard, Esqrs. and Thomas Waring, John Cantey and Robert Dews, and to their heirs and assigns for ever, all that plantation or tract of land, containing one hundred and forty-five acres, within that tract of land called Dorchester, in Berkley county, butting and bounding as by said deed of feofment appears; as also all that messuage or tenement with five acres of land thereunto adjoining, which was devised to the said Thomas Graves by the last will and testament of Martha Graves his mother, deceased, situate at Dorchester aforesaid, together with the premises and appurtenances, nevertheless to the use of the rector or parson of the parish of St. George's for the time being, to be used, held, occupied and enjoyed by him or them as a Glebe land: And whereas, the rector and church-wardens of the said parish, in and by their humble petition to the General Assembly of this Province, have shewn and set forth, that such tract of land was bought for a Glebe for the use of the rector of the said parish, but that since the same has been found inconvenient on account of its situation and distance from the parish church, that the petitioners have now an opportunity of purchasing a plantation much more convenient for the use aforesaid, and more beneficial for the incumbent, and therefore humbly pray that leave may be given them to bring in a bill to enable them to sell and dispose of the present Glebe, and to purchase another in the room thereof; and his Excellency the Governour, and his Majesty's honourable Council, and the Commons House of Assembly, being willing to gratify the petitioners in so reasonable a request, may it therefore please your most sacred Majesty that it may be enacted,

A. D. 1724.

I. *And be it enacted* by his Excellency Francis Nicholson, Esq. his Majesty's Captain General and Governour in chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council and the Commons House of Assembly, and by the authority of the same, That the church-wardens of the said parish shall have power, and they are hereby authorised and impowered, to sell and dispose of the aforesaid plantation or tract of land containing one hundred and forty-five acres, and the aforesaid messuage and five acres aforesaid, together with the premises and appurtenances, unto the best bidder; and such person or persons, their heirs and assigns, who shall purchase the aforesaid plantation or tract of land, shall from thenceforth and for evermore, have, hold, occupy, possess and enjoy, all the aforesaid plantation or tract of land, as his and their sole, free and full estate, without any interruption, molestation, eviction or disturbance of them the said Alexander Skeen, Samuel Wragg, Walter Izard, Thomas Waring, John Cantey and Robert Dews, or of the rector, church-wardens or vestry of the said parish, and against the claim, challenge and demand of them or any of them, or of their or any or either of their heirs or assigns.

II. *And be it enacted* by the authority aforesaid, That the said church-wardens shall have power, and they are hereby impowered, to purchase any other tract of land for a Glebe, which they shall judge to be better or more conveniently situated for that purpose; and such tract of land, when purchased by the church-wardens as aforesaid, shall be and remain forever hereafter, a Glebe land to and for the sole use, benefit and behoof of the rector and parson of St. George's parish for the time being, and to and for no other use, intent or purpose whatsoever.

THOS. BROUGHTON, *Speaker.**Charlestown, March 24, 1724.**Assented to by* FR. NICHOLSON, *Governour.*

A. D. 1724.

No. 493. *AN ACT* FOR RAISING THE SUM OF SIXTEEN THOUSAND SIX HUNDRED AND FIFTY-EIGHT POUNDS EIGHTEEN SHILLINGS AND ONE PENNY, FOR DEFRAYING THE CONTINGENT CHARGES OF THE GOVERNMENT FOR ONE YEAR, COMMENCING THE TWENTY-NINTH OF SEPTEMBER, ONE THOUSAND SEVEN HUNDRED AND TWENTY-FOUR, AND ENDING THE TWENTY-NINTH OF SEPTEMBER, ONE THOUSAND SEVEN HUNDRED AND TWENTY-FIVE.

Preamble.

WHEREAS, it appears upon an estimate made of the contingent charges of the Government, the sum of sixteen thousand six hundred and fifty-eight pounds eighteen shillings and one penny will be wanting for defraying the same for the current year, we therefore humbly pray your most sacred Majesty that it may be enacted,

Proportions of the tax.

I. *And be it therefore enacted* by his Excellency Francis Nicholson, Esq. Governour, by and with the advice and consent of his Majesty's honourable Council and the Assembly of this Province, and by the authority of the same, That a tax or sum of sixteen thousand six hundred and fifty-eight pounds eighteen shillings and one penny, be equally imposed and levied on the several inhabitants of this Province in manner following, that is to say, one sixth part on the real and personal estates, stocks and abilities of the several inhabitants of Charlestown, over and besides their lands and slaves in the country, and the other five-sixth parts on the several inhabitants living and residing without the limits of Charlestown plat.

Assessment of lands and slaves.

II. *And be it further enacted and declared* by the authority aforesaid, That every hundred acres of land be and is hereby rated at five shillings per hundred acres, and every slave from the age of seven years old to sixty, at twenty shillings per head; and that all persons required to pay any tax by virtue of this Act, shall pay in the same to the collectors and receivers hereby appointed respectively to receive the same, at such publick place as the collectors respectively, in the parish where such taxable person lives or resides, on or before the thirty-first day of May next ensuing the passing of this law.

Nomination of Receivers and Collectors.

III. *And be it further enacted* by the authority aforesaid, That for the several parishes of this Province the several persons hereafter named, that is to say, for the parish of St. Philips Charlestown, within the town plat, Alexander Parris, Esq.; for that part of the parish without the town plat, the said Alexander Parris; for the parish of Christ Church, Thomas Barksdale, Esq. and Mr. Samuel Wigfall, jr.; for the parish of St. James' Goose Creek, Thomas Clifford and John Moore, Esqrs.; for the parish of St. John's, Peter De St. Julien and John Harleston, Esqrs.; for the parish of St. George's, Thomas Wareing, Esq. and Mr. Gilson Clapp; for the parish of St. Thomas and St. Dennis, Mr. James Akin and Mr. Thomas Pagott; for the parish of St. Andrew's, (James Island excluded,) Mr. William Fuller and Mr. Thos. Dymes; for that part of the said parish called James' Island, Mr. William Wilkins and Jonathan Evans; for the parish of St. Paul's, that is to say, for John's Island, Mr. Edward Hext and Mr. John Stanyarne; for Edisto Island, Mr. Ephraim Michael and William Eddings; for Wadmelow Island, William Williams and David Ferguson; for Stono and the East side of Pon Pon, Robert Yonge and Thomas Farr, jr.; for the parish of St. Bartholomew, Joseph Deadcoat and William Dalton; for the parish of St. James Santee, Noah Serre, sen. and William Drake; for the parish of Prince George's Wineau, Captain Merideth Hughes

and Elisha Scriven; for the parish of St. Helena's, Mr. Delabarr and Peter Palmetter, Esq.—be and are hereby appointed receivers and collectors, who in fourteen days after receiving of the taxes as aforesaid, shall transmit the same to the publick treasurer in Charlestown, together with a schedule fairly wrote in proper columns, under their hands, of the names of the persons paying tax, and the quantity of lands and slaves for which such taxes are paid, and the parish where each tract of land and number of slaves are lying and abiding, according to the oath hereinafter prescribed, and the name of the defaulters in paying their tax; and the said respective collectors as aforesaid, at the end of the said fourteen days next after the day of payment as aforesaid, shall close their accounts and transmit the same to the publick treasurer in Charlestown; and every taxable inhabitant shall sometime at or before the time limited for paying in his tax to the said collectors, render an account in writing under his hand, of all his lands and slaves, from the age of seven years old to sixty, and an account of what parish the said land and slaves are in, and take the following oath, to be administered by the said collectors. You, A B, do swear that the account you now give in is a just and true account of all the lands and slaves from the age of seven years old to sixty, which you are any ways possessed of, interested in or intituled unto, in the parish or precinct wherein you now live, or in any other parish or part of this Province, either in your own right or as executor, administrator, guardian or attorney, to or in trust for any other person or persons whatsoever, and that without any equivocation or mental reservation, so help you God. And the said collectors shall at the time of returning in such accounts and paying in the money by them collected and recovered to the public treasurer, give in an account in writing of their own lands and slaves, after the manner above directed, on oath, and pay in their tax to the said publick treasurer.

A. D. 1734.

Who within 14 days are to transmit a schedule to the Publick Receiver of lands, slaves, and taxable owners.

Oath to be taken.

To give in an account of their own lands and slaves.

IV. *And be it further enacted* by the authority aforesaid, That if any person or persons in giving in or rendering his account of land and slaves as aforesaid, shall wilfully or voluntarily conceal any part thereof, all such persons shall forfeit all and every part of such real and personal estate so concealed, the one half to his Majesty for the support of this government, and the other half to him or them that will sue for the same by action of debt, bill, plaint or information, to be brought in any Court of Record in the precinct where the offence is committed, wherein no protection, essoign, priviledge, *noli prosecute* or wager of law shall be allowed or admitted of.

Penalty on concealment.

V. *And be it further enacted* by the authority aforesaid, That any person neglecting or refusing to render such account to the collectors aforesaid respectively, at such time and place as they shall appoint, by the last day of May next after the ratification of this law, he shall be returned by the said collectors as a defaulter, and shall be rated by the publick treasurer treble the value of what he was rated at in the last tax, and the publick treasurer shall levy the same accordingly; and in case it shall so happen that such person is not to be found in the last tax list, the said publick treasurer is hereby required to rate him double of what his tax amounts to according to his best information, and levy the same accordingly.

Or refusal to render an account.

VI. And whereas, divers inhabitants living without the limits of Charlestown plat, are possessed of divers houses and town lots and parts of lots within the same, *Be it therefore enacted* by the authority aforesaid, That all persons possessed of such town houses and lots, or parts of lots, do give in an account thereof in their own proper person, or return on oath the number of the said lots, or in what parts of the said town the

Owners of lots in Charlestown who live out of the town.

A. D. 1724.

said town houses or lots lie, to the collector of the tax in Charlestown, within twenty days after the passing of this Act, to the intent the assessors of Charlestown may proceed on their assessment by the time required of them by this Act; and all such persons shall be rated for such lots as if they were actually resident in Charlestown; and all town lots and the improvements thereon, shall be rated at the discretion of the assessors in Charlestown; and as all other town lots lying in any parishes of this Province are of small value, they shall not be rated or accounted for in this tax.

Inquirers and
Assessors
appointed.

VII. And forasmuch as the tax to be raised within the limits of Charlestown platt, being to be assessed on the stocks and abilities of the inhabitants, cannot be conveniently raised without the appointment of inquirers and assessors, *Be it further enacted* by the authority aforesaid, That Captain Robert Brewton, Captain Edward Croft, and Mr. Adam Beauchamp, be and are hereby appointed inquirers for Charlestown, and the said inquirers are hereby directed and ordered to inquire into and take an account of all such real and personal estates, negroes, stocks and abilities of the inhabitants living and residing within the limits of Charlestown plat, which they shall be possessed of, interested in, or intituled unto, either in their own right or in the right of any other person whatsoever, which are lying or being within the limits of the said town plat, and of all the lands and slaves without the limits of the same, in any other part of the Province: and the said inquirers shall make and finish their inquiry, and return the same to the assessors hereby appointed for Charlestown, on or before the fifteenth day of April next; and that all and every other person, merchant or inhabitant, living and residing within the limits of Charlestown plat, being possessed of any lands or negroes in the country, shall likewise render an account thereof on oath to the inquirers of Charlestown, of the several parishes where the same lyes in, which shall be reckoned as part of the country tax, and pay in the same to the publick receiver or collectors, at the time limited for paying in the tax in the country; provided always nevertheless, that nothing herein before contained shall extend to be construed to give the said inquirers or assessors any power or authority to take an account of or assess any such goods, wares, merchandizes or effects as shall be consigned immediately to any merchants or factors in this Province, to dispose of as factors only; except also the effects of transient persons, who have not resided within this Province three calendar months before such inquiry shall begin to be made; and it is hereby declared that the several slaves belonging to the said inhabitants of Charlestown, which have been for six months then last past employed by their said respective masters in Charlestown, shall be reckoned and accounted into the sixth part of the said tax hereby appointed for Charlestown, and that all and every slave, (as well as their lands,) belonging to the said inhabitants of Charlestown, which for the most part are employed in the country, shall be reckoned and accounted for in the country tax.

Not to extend
to goods con-
signed, or of
transient
persons.

Slaves employ-
ed in Charles-
town for six
months to be
assessed there.

Country store-
keepers to be
rated as those
in Charlestown.

VIII. *And be it further enacted* by the authority aforesaid, That the store-keepers living and residing in the country, shall be rated by the collectors in the several parishes where they live, for their stores and stocks, after the rate of the assessments directed to be made on the inhabitants of Charlestown, and the moneys arising by the assessment of the said stores shall be paid to the publick treasurer, in order to be included in the tax; and in such parishes where one of the collectors shall happen to be a store-keeper, the other collector shall and is hereby impowered to assess and rate such a store-keeper as the other store-keepers in the country are rated and assessed.

IX. *And be it further enacted* by the authority aforesaid, That every person, as well inhabitants of Charlestown as store-keepers in the country, who shall have reason to believe he is overated for his stocks or stores, shall have ten days after public notice given by the assessors at the watch-house in Charlestown, or other publick places in the country for that purpose, to swear off so much as he is over rated before said assessors or collectors; and the said assessors aforesaid are hereby impowered to administer such oath, and allow of an abatement accordingly. A. D. 1724.
Remedy for persons over-rated.

X. *And be it further enacted* by the authority aforesaid, That the said Assessors, upon receiving the returns of the inquirers for Charlestown, shall administer unto them the following oath: You, A B, C D, and E F, do swear that the accounts you now give in is a just and true account of all the real and personal estates, stocks and abilities, of the several inhabitants of Charlestown, lying within and without the limits of the said town plat, according to the best of your knowledge—so help you God. Inquirers Oath.

XI. *And be it further enacted* by the authority aforesaid, That the inquirors aforesaid, at the same time, shall render an account to the said assessors of their own estates, real and personal, lying and being within and without the limits of the said town plat, and take the same oath before the assessors, *mutatis mutandis*, as they are directed to administer to the other inhabitants of Charlestown. Inquirers to render an account of their own property.

XII. *And be it further enacted* by the authority aforesaid, That John Cawood, Esq. Mr. Paul Doupsaint, Doctor John Hutchinson, Mr. Elisha Prioleau and Mr. Elias Forissin, be and are hereby appointed assessors for assessing the said inhabitants of Charlestown, and they are hereby authorized, impowered and required to rate and assess the said sum of two thousand seven hundred seventy-six pounds nine shillings and eight pence, being the one sixth part of the said tax of sixteen thousand six hundred fifty-eight pounds eighteen shillings and one penny, on the real and personal estates, stocks and abilities of the inhabitants of Charlestown and others interested in the said town as aforesaid, rateably and proportionably, according to the best of their skill and judgment; and any three of the said assessors shall be a quorum, and shall meet at the house of Colonel Michael Brewton, on the seventeenth day of April next, and there to continue to finish the assessment or adjourn to any more convenient place in or near Charlestown, as they shall see fit. And the assessors shall finish and compleat the said assessment on or before the first day of May next, and return a duplicate thereof under their hands unto the said publick Treasurer, in Charlestown, who shall cause a duplicate thereof to be posted at the publick watch house in Charlestown, in three days after his receiving the same from the hands of the said assessors. Assessors for Charlestown appointed.

XIII. *And be it further enacted* by the authority aforesaid, That the said assessors shall, before they enter on the execution of their office, take the following oath before one of his Majesty's Justices of the Peace, who shall give him a certificate of his so doing: I, A B, do sincerely swear, that I will indifferently, equally and impartially rate and assess all and every person to me returned to be assessed by the inquirers of Charlestown, for that purpose appointed, according to the directions to me given by this Act, and according to the best of my skill and knowledge—so help me God. Oath to be taken by them.

XIV. *And be it further enacted* by the authority aforesaid, That in case the said assessors shall find any mistakes in the returns of the inquirers, the said assessors shall not be tyed up so strictly to the said

A. D. 1724.

Warrants to issue against persons who being taxed shall refuse to pay.

returns but they may have liberty to proceed according to better information or knowledge; but if any man's tax shall not exceed five shillings current money, he shall not be rated or assessed.

XV. *And be it further enacted* by the authority aforesaid, That every person so assessed by the said assessors for Charlestown, shall likewise pay into the hands of the publick Treasurer the several sums of money on them respectively rated, on or before the thirty first day of May; and in case any person shall neglect or refuse to pay in his or their tax at the days and time herein before mentioned and appointed for payment thereof, the said publick Treasurer shall, in six days after the time fully elapsed, without favor or affection or further delay, levy the same by virtue of a warrant signed and sealed by him, directed to the marshal or any constable of the respective Parishes or precincts where such defaulter lives or resides, by distress and sale of the defaulter's goods, returning the overplus, if any shall happen to be, to the defaulter, after deducting the reasonable charges; and if no such distress can be found by the said marshal and constable, or if the defaulters shall neglect or refuse to produce goods whereon the monies so assessed may be forthwith levied, then the said marshal or constable by virtue of the said warrant, shall take the body of such defaulter or defaulters and bring him, her or them to the common goal in Charlestown, and the marshal aforesaid shall detain him or them in the goal aforesaid, without bail or mainprize, until they have satisfied the debt and charges aforesaid; and in case he be resisted in the execution of his office, he is hereby also impowered to take a sufficient number of persons to his assistance, and the charges he shall be at in procuring such assistance shall be levied on the defaulter in manner as aforesaid.

Fees payable to marshal or constable.

XVI. *And be it further enacted* by the authority aforesaid, That the marshal or constable to whom such warrants shall be directed, shall take the following fees in the execution of their office, viz: to the marshal or constable, twelve pence current money of this Province for every twenty shillings so to be levied and paid to the publick Treasurer, and twelve pence like current money for every mile, to be computed from the dwelling house of such marshal or constable to the dwelling house or place of residence of such defaulters, and no more or any other fee or fees whatsoever. And the Treasurer for every execution he shall issue for levying any part of the tax upon any defaulter, shall from every such defaulter take five shillings like current money.

Penalty against persons neglecting or omitting to give in an account of their taxable property.

XVII. *And be it further enacted* by the authority aforesaid, That if any taxable person shall neglect to give in his account of his estate to the said collectors or inquirers, by the fifteenth day of April next, and shall be omitted in the return of the collectors or inquirers, and shall have omitted or neglected to pay in his tax by the time before limited, the said publick Treasurer, notwithstanding such omission, is hereby impowered and required, as soon as he shall have knowledge thereof, to issue his warrant against such person so omitted, in the same manner as if he had been returned as a defaulter. And in case the said publick Treasurer shall not have a just information of what such person's tax does amount to, the said warrant shall run for treble the sum such person was rated in the last tax, and shall be dealt with in all other respects as a defaulter.

Warrants may issue for arrears of former taxes.

XVIII. *And be it further enacted* by the authority aforesaid, That the said Collectors and publick Treasurer shall have full and ample power in all respects for collecting and getting in arrears of taxes due by any former law or Act of Assembly, notwithstanding the same be repealed, and the same may be levied and recovered by virtue of any warrant or war-

rants under the hand and seal of the publick Treasurer in manner as A D. 1724.
aforesaid.

XIX. *And be it further enacted* by the authority aforesaid, That in case any person should happen to die between the time of giving in his accounts to the said Collectors or Inquirors and the paying of his tax, and any goods or chattels of the deceased to the value of the sum he was assessed at, shall come to the hands of his executors and administrators or any executors in their own wrong, such executor or administrator shall pay the same by the time before limited, prior to all mortgages, judgments and debts whatsoever, debts due to his Majesty excepted, or otherwise a warrant or execution shall issue against the proper goods of such executor or administrator; and if any person between the time limited for rendering the accounts of his estate to the collectors or inquirers aforesaid, and the time of paying in his tax, shall be about to depart this Province, the said publick Treasurer is hereby required forthwith to levy the same, notwithstanding the days of payment are not then already come, unless such persons will find sureties to the liking of the said publick Treasurer for payment thereof at the time appointed.

Tax due from persons who may happen to die are to be paid before all other debts except those due to the King.

XX. *And be it further enacted* by the authority aforesaid, That all deeds of gift, conveyances, mortgages, sales and assignments of lands and tenements, goods and chattels of any person whatsoever, made with an intent to avoid his being assessed or paying in his tax, are hereby deemed and declared to be fraudulent, and null and void to all intents and purposes whatsoever.

Conveyances and gifts made to avoid the tax, declared void.

XXI. *And be it further enacted* by the authority aforesaid, That in case any person who has mortgaged any part of his real and personal estate shall neglect or refuse to pay tax for the same, the mortgagee, shall be answerable and subject to pay the sums assessed on the mortgagor, provided, such real and personal estate is in the possession or occupation of the mortgagee.

Mortgagor neglecting, the mortgagee declared liable

XXII. *And be it further enacted* by the authority aforesaid, That the said publick receiver and collectors, inquirors, assessors, marshal or constable, and every other magistrate or officer that shall neglect or refuse to do and perform the several matters hereby required of them respectively to be done and performed, shall for every such neglect or refusal forfeit the sum of fifty pounds current money, to be recovered in any Court of Record in the precinct where the offence is committed; the one half to his Majesty for the support of this Government, and the other half to him that will sue for the same by action of debt, bill, plaint or information, wherein no protection, essoign, noli prosequi or wager of law shall be allowed or admitted of.

Penalty on neglect of duty.

XXIII. *And be it further enacted* by the authority aforesaid, That in case any of the collectors, inquirors or assessors before mentioned in this Act, shall happen to die, refuse to act, or depart this Province before they have executed the powers and authorities hereby given to them, that then his Excellency the Governour be, and he is hereby impowered with the advice of his Majesty's Honourable Council, to nominate and appoint by order of Council on that behalf, another fit person for the precinct of Charlestown, and that any two Judges of the precinct courts for their respective precinct, have the like power in that case as the Governour in Council in the said precinct of Charlestown, in the room of him so dying, going off or refusing to act, and the person so appointed shall have the same powers and be under the same penalties as the other collectors, inquirors or assessors hereby nominated.

Inquirors or assessors dying

A. D. 1724.

Charges of
Government
calculated at
£20116. 16. 6.

XXIV. And whereas, it appears by an estimate made of the charges of the Government for the current year, that the same will amount to the sum of twenty thousand one hundred and sixteen pounds sixteen shillings and six pence, and whereas, it appears that there are several sums of money in the hands of the Treasurer, upon the balance of several funds provided in the estimate of the last year, amounting in the whole to the sum of three thousand four hundred and forty nine pounds eighteen shillings and one penny, *Be it therefore enacted* by the authority aforesaid, that the said sum of three thousand four hundred forty nine pounds eighteen shillings and one penny shall be appropriated and applied to the service of the Government for the current year.

Sums specifi-
cally appropri-
ated.

XXV. And whereas, there will then remain sixteen thousand six hundred and fifty eight pounds eighteen shillings and one penny, to be levied as is herein before directed and appointed, *Be it therefore enacted* by the authority aforesaid, that the aforesaid sum of sixteen thousand six hundred and fifty eight pounds eighteen shillings and one penny, which together with the sum of three thousand four hundred and forty nine pounds eighteen shilling and one penny, shall be appropriated, applied and paid by the publick Treasurer by orders of the General Assembly, as usual and not otherwise, that is to say, to the parochial charges of eleven parishes for one year, four hundred and fifty five pounds; to the master and usher of the free school one year, six hundred pounds; to repairing the parsonage houses of eight parishes at a hundred each for a year, eight hundred pounds; to the salary of the commander of Fort Moore, two hundred and fifty pounds; to the lieutenant of Fort Moore, twelve months, one hundred and forty four pounds; to the sergeant of Fort Moore, ninety six pounds; to twenty four men, twelve months, at six pounds per month, one thousand seven hundred and twenty eight pounds; to six months provision to the twenty ninth of September next, four hundred and five pounds; to sundry medicines, necessaries, &c. one hundred pounds; to the salary of the commander of the Palachucolas, two hundred and fifty pounds; to the lieutenant of the Palachucolas, one hundred and forty four pounds; to the sergeant of the Palachucolus, ninety six pounds; to fourteen men, twelve months, at six pounds per month each, one thousand and eight pounds; to provisions for seventeen men, to the twenty ninth day of September, two hundred and fifty five pounds; to a boat and other necessaries for the said garrison, one hundred pounds; to the salaries of the two commanders of the scout boats, twelve months, three hundred and sixty pounds; to twelve men at eight pounds per month, for six months, five hundred and seventy two pounds; to twelve men six months, at six pounds per month, four hundred and thirty two pounds; to provisions for fourteen men, six months, one hundred and eighty pounds; to sundry necessaries for the boat for the said garrison, six months, ten pounds; to the commander of Johnson's fort, six months, one hundred pounds; to six men, at six pounds per month, for six months, two hundred and sixteen pounds; to provisions for six men, six months, ninety one pounds; to a flag pendant and candles, &c. to the twenty ninth of September, one hundred pounds; to the salary of the armourer and gunner, for twelve mouths, three hundred and fifty pounds; to the clerk of Assembly, messenger, &c. five hundred pounds; to beasts of prey, fifty pounds; to the use of the house for the Assembly, fifty pounds; to Collonel Hastings allowance, two hundred pounds; to the fortifications, &c. of Charlestown, one thousand pounds; to charge of a convenient armoury, five hundred pounds; to rent of a house for a school, one hundred pounds; to six hundred pounds for Christ Church Parish, left out of the last estimate; to a commissioner for himself and an interpreter to go amongst the Creeks, one thousand pounds; to colours for the town bastions, one hundred

pounds; to the commissary to the garrisons, two hundred pounds; to accounts before the committee on accounts, two thousand five hundred and forty four pounds sixteen shillings and two pence; to contingencies for which general orders may pass, four thousand one hundred pounds; to Colonel Parris for receiving the tax, and all other services except receiving the duties, for which he is allowed one thousand pounds per annum, to be taken out of the said duties, three hundred pounds; to Collonel Herbert, twenty pounds.

A.D. 1724.

XXVI. And to prevent the misapplication of public monies, *Be it further enacted* by the authority aforesaid, That if the said publick Treasurer shall apply any of the publick monies to any other use, intent or purpose whatsoever, than what is herein before directed, without an Act passed in both Houses in due form, he, the said publick Treasurer shall forfeit double the sum so misapplied, the one half to his Majesty for the support of this Government, and the other half to him or them that will sue for the same in any Court of Record in this Province, by action of debt, bill, plaint or information, wherein no essoin, protection or wager of law shall be allowed or admitted of, and without any power from any person whatsoever, unless it be by an order of the General Assembly, to enter a noli prosequi, release or discontinue the said suit.

Penalty on the public Treasurer misapplying.

XXVII. *And be it further enacted* by the authority aforesaid, That all and every officer, collector, inquisitor, assessor, marshal or constable, or any other person who shall be sued by reason of any matter or thing done in the execution of this Act, shall have leave to plead the general issue and give this Act and the special matter in evidence, and if the party suing shall suffer a non-suit, discontinuance, or a verdict pass against him, the defendant shall recover treble costs, for which the said defendant shall have the like remedy as where costs are given at law.

In case of suit brought on this act.

XXVIII. *And be it enacted* by the authority aforesaid, That all orders that shall now pass the General Assembly for any sum or sums of money, payable out of the publick Treasury, shall be received and discounted by the Treasurer in the ensuing tax. And the publick Treasurer is hereby required and directed to receive and discount all such orders in the tax accordingly.

THO. BROUGHTON, *Speaker.*

Charlestown, March 24, 1724.

Assented to by FR. NICHOLSON, *Governour.*

AN Additional ACT TO AN ACT TO APPOINT THE COMMISSIONERS TO RECEIVE THE SEVERAL SUMS OF MONEY DUE ON BONDS FOR MONEY TAKEN UP ON INTEREST FROM THE PUBLICK.

No. 494.

WHEREAS, it hath been thought more convenient that the Chief Justice of the Province for the time being, should issue an execution against such persons as shall be defaulters in not paying the interest money due on bonds to the public, commonly called the bank money, rather than the Commissioners who are lately appointed to receive the same by the aforesaid Act, we therefore pray your most sacred Majesty that it may be enacted, and

Preamble

A. D. 1724.

Chief Justice
may issue exe-
cutions against
defaulters.

I. *Be it enacted* by his Excellency Francis Nicholson, Esquire, Captain General and Governour in Chief of this his Majesty's Province, by and with the advice and consent of his Majesty's honourable Council and the Commons House of Assembly, and by the authority of the same, That the Chief Justice of this Province for the time being, be and he is hereby empowered and directed, upon the aforesaid Commissioners applying themselves to him, and laying before him a list of such defaulters as have not paid the several sums due from them on bond to the publick, to grant executions against the goods, and in default of goods, against the body, in one and the same execution, of such defaulter, for the recovery of the said several sums.

Mr. Tradd
appointed
commissioner.

II. And whereas, by the death of the late Lieutenant Coll. Thomas Smith, there is a vacancy in the number of Commissioners for receiving the aforesaid several sums due on bond to the publick as aforesaid, and it being highly necessary that the said vacancy should be supplied forthwith, *Be it further enacted* by the authority aforesaid, That Mr. Robert Tradd be, and he is hereby appointed one of the Commissioners for receiving the aforesaid several sums due to the publick on bonds, commonly called the bank money, in the room of the said Lieut. Coll. Smith, and the said Robert Tradd is hereby invested with all the powers, privileges and immunities as any of the Commissioners for receiving the said bank money are intituled unto, and shall be under the same rules and restrictions as are directed and appointed by the aforesaid Act for appointing the Commissioners to receive the several sums of money due on bond for money taken up on interest from the publick.

HEPWORTH, *Speaker.*

Charlestown, Council Chamber, March 28, 1724.

Assented to by FR. NICHOLSON, GOVERNOUR.

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- No. 495. AN ACT for appointing a Commissioner for managing the affairs of the Indians and for supervising the garrisons, in the room of the Honourable James Moore, Esq. deceased.

(Passed March 28, 1724. The original Act not now to be found.)

No. 496.

AN ORDINANCE OF THE GENERAL ASSEMBLY.

WHEREAS, His Majesty's Fort on the river Alatomaha hath by some unhappy accident been burnt down, and all the provisions, barracks, gun-carriages and tools have been consumed in the said fire, by which deplorable misfortune the independent company which his Majesty has been graciously pleased to send to this Province is reduced to great necessity for want of convenient lodging and tools and other things to put them in a good posture of defence; and whereas, the General Assembly of this Province, to show their strict loyalty and gratitude to his most sacred Majesty, have taken under their consideration in what manner and with most speed they could furnish his Majesty with a sufficient sum of money to make the necessary security and conveniency for his Majesty's officers and soldiers at the said Fort; And whereas, the Act for raising a supply

for the current year is lately past and all the funds appropriated, whereby no further tax can be levied this year on the inhabitants of this Province, nor can the funds aforesaid be diverted, the General Assembly could think of no other expedient in this great exigency than the reissuing of two thousand pounds now in the hands of the Treasurer, directed to be burnt by a former Act, but with so just a regard to the publick faith that when his Majesty is graciously pleased to order the repayment of the same to this Province, that then the said sum shall be burnt, according to the law:

A. D. 1725.

I. *Be it therefore ordained* by the Honourable Arthur Middleton, Esq. President, by and with the advice and consent of his Majesty's honourable Council, and the Assembly of this Province, and by the authority of the same, That Alexander Parris, Esq. Treasurer, shall pay or cause to be paid, out of the money now lying in his hands to be burnt, unto the Honourable Arthur Middleton, Esq. the sum of two thousand pounds, as a loan to his Majesty, which said sum of two thousand pounds shall be appropriated and applied towards finding, making and providing the necessary security and convenience for his Majesty's officers and soldiers at Fort King George, and to no other intent and purpose whatsoever.

II. *And be it ordained* by the authority aforesaid, That as soon as his Majesty is graciously pleased to repay the aforesaid sum of two thousand pounds, that the same shall be paid into the hands of the Treasurer of this Province for the time being, in order to be sunk and burnt, according to an Act of the General Assembly of this Province, in that case made and provided.

THO. BROUGHTON, *Speaker.*

Charlestown, Council Chamber, February 4, 1725.

Assented to : AR. MIDDLETON.

AN ACT FOR THE ENCOURAGEMENT OF MAKING SALT IN THE PROVINCE
OF SOUTH CAROLINA.

No. 497.

WHEREAS, Salt in this Province, for the most part, bears an extravagant price, which is a great discouragement to the inhabitants of this Province from shipping off to other plantations their beef and pork; and whereas, the making Salt in this Province will be for the general benefit and advantage of the same, not only by increasing our provision trade, but also will be a means to promote the carrying on a Fishery in this Province; and for the due encouragement of an undertaking so much for the publick good, there is now depending before the General Assembly a Bill to invest the sole right and priviledge of making Salt in William Mellichamp, his heirs and assigns, for a certain term of years, therein mentioned; and whereas, there is a clause in the said bill, for suspending the force thereof until his Majesty's pleasure shall be known; we therefore most humbly pray your most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted* by his Excellency Francis Nicholson, Esq. Governor, by and with the advice and consent of his Majesty's honourable Council and the Assembly of this Province, and by the authority of the same, That for the encouragement of the said William Mellichamp to-

A. D. 1725.

To encourage
W. Mellichamp

wards the undertaking and carrying on his works for making Salt, according to his proposal laid before the General Assembly of this Province, he, the said William Mellichamp, shall for every bushel of Salt which shall be made and sold by him within this Province, have the sum of twelve pence current money, which said sum shall be paid to him, his heirs or assigns, out of the publick treasury.

Who is to make
oath to the
quantity of salt
manufactured.

II. *And be it enacted* by the authority aforesaid, That he the said William Mellichamp, before he shall receive the said premium of twelve pence per bushel hereby before allowed, shall make oath before the Treasurer for the time being, what quantity of Salt he hath made and sold within this Province, and that then and not before he shall receive the same; Provided nevertheless, if the price of Salt so by him made shall exceed the sum of ten shillings current money per bushel, he the said William Mellichamp shall not be entitled to the said sum of twelve pence per bushel as a premium, herein before granted; any thing in this Act contained to the contrary thereof in any wise notwithstanding.

Limitation of
this Act

III. *And be it enacted* by the authority aforesaid, That this Act, or any thing therein contained, shall not take place or be in force until the twenty-fifth day of March next, after the ratification of this Act, and further, that the same shall determine in two years after the commencement thereof.

THO. BROUGHTON, *Speaker.**Council Chamber, Charlestown, April 17th, 1725.**Assented to by FR. NICHOLSON, Governour.*

No. 498. *AN ACT* FOR VESTING THE SOLE RIGHT OF MAKING SALT IN THIS PROVINCE IN WILLIAM MELLICHAMP, HIS HEIRS AND ASSIGNS, FOR FOURTEEN YEARS.

Preamble.

WHEREAS, William Mellichamp by his petition, hath humbly prayed and besought the General Assembly of this Province to invest the sole right of making Salt in this Province for a certain term of years in him the said William Mellichamp, his heirs and assigns, and hath therein set forth that he proposes to make salt of the same sort and in the same manner it is made in Great Britain, sufficient to answer the whole expence of that commodity in this Province, which, besides the advantage of a constant supply, he humbly conceives will save great quantities of provisions, that are sometimes thrown away for want of such salt, and also will bring a very profitable trade to the inhabitants by being used in curing such provisions for exportrtion, which it is known other salt will not do: And whereas, it hath been the custom and practice of all wise governments to give fitting and due encouragement to all such persons as have proposed any matter or thing that might be serviceable to the common wealth and tend to the publick good, and it appearing to the General Assembly that if the said Mellichamp doth bring his said proposed works to perfection, it will be highly advantageous to this his Majesty's Province and encourage his Majesty's subjects the inhabitants thereof to follow many beneficial occupations, as the salting of fish, of which there are great quantities on this coast, and curing beef and pork for his Majesty's plantations and other markets, which the salt commonly brought into this Province is well known to eat up, waste and destroy: Wherefore, that so laudable a proposal

may not be impeded, but receive all such encouragement as may be thought necessary for the said Mellichamp to prosecute and put the same in practice; we therefore pray your most sacred Majesty that it may be enacted, A. D. 1725.

I. *And be it enacted* by his Excellency Francis Nicholson, Esq. Governour, by and with the advice and consent of his Majesty's honourable Council, and the Assembly of this Province, and by the authority of the same, That it shall and may be lawful to and for the said William Mellichamp, his heirs and assigns, and he and they are hereby authorized and empowered, to make Salt in this Province, and to vend, sell, utter and dispose of all such Salt as he shall so make in this Province; and the sole right, power and priviledge of making, vending, selling, uttering and disposing of all such Salt as shall be made in this Province shall be vested in him the said William Mellichamp, his heirs and assigns, for and during the full term and time of fourteen years from the passing of this Act, and until the same be finally and fully determined, compleated and ended: Provided nevertheless, that if the said William Mellichamp, his heirs or assigns, shall refuse or neglect to set up a Salt work and prosecute the said work, so as to make Salt within two years after the passing of this Act that then this Act, and every matter, paragraph and clause herein contained, shall cease, determine and be utterly void, as if no such Act had ever passed.

Privilege to W.
Mellichamp for
fourteen years.

II. *And be it further enacted* by the authority aforesaid, That if any other person or persons shall presume to make Salt in this Province, or to vend, sell, utter or dispose of any Salt so made as aforesaid, for and during the term and space of fourteen years as aforesaid, unless licensed so to do by the said William Mellichamp, his heirs and assigns, all such person or persons, shall forfeit and pay to the said William Mellichamp, his heirs and assigns, the sum of one thousand pounds current money of this Province, to be sued for and recovered in any court of record in this Province, wherein no essoign, protection, priviledge or wager of law shall be allowed, nor any more than one imparlance. Prohibition to others.

III. *And be it further enacted* by the authority aforesaid, That this Act or any thing therein contained shall not take place or be in force until his Majesty's royal will and pleasure shall be known and signified thereon.

THO. BROUGHTON, *Speaker.*

Council Chamber, Charlestown, April 17th, 1725.

Assented to by FRANCIS NICHOLSON, *Governour.*

AN ACT to empower the Commissioners of the New Brick Church in Charlestown, or any three of them, to purchase convenient Lot or Lots, or part of Lots in the said Town, for a Church-Yard. No. 499.

(Passed April 17, 1725. *See last volume.*)

AM ACT for establishing a Ferry from the Plantation of James Wrixam deceased, in Colleton County, across Pon-Pon River, and for appointing a Scout at Pon-Pon, and for exempting the inhabitants of Wassamsaw from working on a Road from William Smith's Plantation to the Chappel at Goose Creek. No. 500.

(Passed April 17, 1725. *See last volume.*)

A. D. 1725.

No. 501. *AN ACT TO REVIVE AND CONTINUE THE SEVERAL ACTS THEREIN MENTIONED.*

WHEREAS, several wholesome and beneficial temporary laws of this Province are expired or near expiring, we humbly pray your most sacred Majesty that it may be enacted,

I. *And be it enacted* by his Excellency Francis Nicholson, Esq. Governour, by and with the advice and consent of his Majesty's honourable Council and the Assembly of this Province, and by the authority of the same, That an Act entituled an Act for the raising a publick store of Powder for the defence of this Province, ratified the twelfth day of July, in the year of our Lord, one thousand seven hundred and seven—and one other Act entituled an Act for carrying on the building and for finishing and compleating the Brick Church in Charlestown, ratified the ninth day of December, one thousand seven hundred and twenty, except such part of the said Act as lays a duty on European goods—and one other Act entituled an Act for the better settling and regulating the Militia, ratified the second day of September, in the year of our Lord one thousand seven hundred and twenty-one—and one other Act entituled an Act for ascertaining Publick Officers' Fees, &c. ratified the twenty-first day of September, in the year of our Lord one thousand seven hundred and twenty-one—be and are hereby declared to be revived and continued, and enacted to be of full force and virtue for and during and unto the full term and time of three years after the passing of this Act, and from thence to the end of the first session of the next General Assembly after, and no longer; except the Militia Act, which shall continue but for one year, and from thence to the end of the next sessions of the General Assembly, and no longer.

THOS. BROUGHTON, *Speaker.*

Council Chamber, Charlestown, April 17, 1725.

Assented to by FR. NICHOLSON, Governour.

Acts No. 424 and Temporary Act No. 2, continued for three years; Temporary Act No. 1, continued for one year.

No. 502. *AN ACT* for the better regulation of the Indian Trade, and for appointing a Commissioner for that purpose, and to survey and supervise the Garrisons.

(Passed April 17, 1725. The original too much torn and defaced to be copied.)

No. 503. *An Act* for preventing the Sea's further encroachment upon the Wharf or Street commonly called the Bay, in Charlestown, and for the expeditious repairing and finishing the front wall thereof.

(Passed April 17, 1725. *See last volume.*)

A. D. 1735.

No. 504.

AN ACT FOR APPOINTING AN AGENT TO SOLICIT THE AFFAIRS OF THIS
PROVINCE IN GREAT BRITAIN.

WHEREAS, there are many great and important affairs now depending before the General Assembly of this Province, to be solicited and represented in Great Britain, which cannot be effectually done without the appointment of an Agent; and whereas, the General Assembly of this Province have thought the Honourable Francis Yonge, Esq. one of his Majesty's honourable Council, late Agent to this Province, to be the properest person for the present Agent to transact and solicit the affairs of the same; we therefore pray your most sacred Majesty, that it may be enacted,

Preamble.

I. *And be it enacted* by his Excellency Francis Nicholson, Esquire, Governour, by and with the advice and consent of his Majesty's honourable Council and the Assembly of this Province, and by the authority of the same, That the Honourable Francis Yonge, Esq. be and he is hereby nominated and appointed Agent to this Province, to transact and solicit the affairs of the same.

Francis Yonge
appointed
Agent.

II. *And be it further enacted* by the authority aforesaid, That the said Francis Yonge, Esq. shall, and he is hereby required and commanded to follow and pursue all such instructions as he shall from time to time receive from the Governour, Council and Assembly, or from the Committee hereafter named, appointed to correspond with the said Francis Yonge, Esq.

His duty.

III. *And be it further enacted* by the authority aforesaid, That the Honourable Ralph Izard and William Bull, two of the members of his Majesty's honourable Council in this Province, and Col. John Fenwick, Benjamin Whitaker, Esq., Thomas Hepworth, Esq., Capt. William Dry, and Mr. Eleazer Allen, members of the Commons House of Assembly of the said Province, or any three of them, one of which always to be of the Council, be and they are hereby appointed a committee to correspond with the said Francis Yonge, Esq. and to give him such orders and instructions as they shall judge necessary for the service of this Province—the General Assembly not then sitting.

Committee of
correspondence
appointed.

IV. And whereas, it is necessary that the said Agent should have a salary allowed him, the better to enable him to carry on and transact the affairs of this Province, *Be it therefore enacted* by the authority aforesaid, That the said Agent be and he is hereby allowed the sum of two hundred pounds sterling per annum, as a salary, to be paid to the said Agent half yearly, and the Committee of Correspondence are hereby empowered to draw for the same, payable to the said Francis Yonge, Esq. out of the money belonging to the publick of this Province received on account of Fort King George, now in the hands of the Hon. Kingsmill Eyre, Esq. in Great Britain, or in whose hands the said money shall be.

Agent's salary
£200 sterling.

V. And whereas, it is necessary that there should be a Clerk allowed to the said Committee of Correspondence, to draw and transcribe all letters and papers which may be thought necessary to be sent to the said Agent by the said committee; *Be it therefore enacted* by the authority aforesaid, That the said committee have power, and they are hereby empowered, to nominate and appoint a fit person to be their Clerk, who shall be allowed the sum of fifty pounds per annum current money of this Province, to be paid out of the money appropriated for contingencies, as a

A Clerk to be
appointed.

A. D. 1725.

salary for the services aforementioned, and that the said salary be paid the said Clerk so nominated half yearly, and the said publick Receiver is hereby required to pay the same.

In force for
one year.

V. *And be it further enacted* by the authority aforesaid, That this Act be and remain in force for and during the term and time of one year from the ratification thereof, and no longer. Provided nevertheless, that it shall and may be lawful for the said Francis Yonge, Esq. Agent, as aforesaid, to return to this Province at any time after he hath executed and received final answers to the several instructions given him by the General Assembly of this Province or the Committee appointed to correspond with him, as aforesaid, any clause or paragraph in this Act contained to the contrary in any wise notwithstanding.

THO. BROUGHTON, *Speaker.*

Council Chamber, Charlestown, April 17th, 1725.

Assented to by FR. NICHOLSON, *Governour.*

Expired.

No. 505. *AN ACT* FOR FOUNDING AND ESTABLISHING A PAROCHIAL CHAPPEL OF EASE AT CHILDSBERRY, TO THE PARISH CHURCH IN ST. JOHN'S PARISH.

WHEREAS, the Rector and Vestry and several others of the inhabitants of St. John's Parish have, heretofore, by their humble petition to the General Assembly of this Province, set forth that the said Parish of St. John's is of very large and wide extent, and the parish church not only situated far from the respective dwellings of a great part of the inhabitants, but also too small to hold them, their children and families; and have further set forth that out of zeal and love to the worship of Almighty God, James Child, deceased, and several other of the said parishioners, have voluntarily and generously subscribed to the building a Chappel of Ease to St. John's Parish, at a place commonly called Childsberry, and have accordingly built the said chappel at their own charge, and have therein prayed that the said Chappel of Ease may be established by a law, together with such priviledges as the General Assembly shall think fit; therefore, that the sacred ordinances of God may be enjoyed with as much ease and conveniency as may be by all the inhabitants of the said parish, and that such generous benefactions and pious works, which tend so much to the promotion of God's glory, may not be frustrated, we pray your most sacred Majesty that it may be enacted,

I. *And be it enacted* by the Honourable Arthur Middleton, Esq. President and Commander-in-chief, by and with the advice and consent of his Majesty's honourable Council and Assembly in South Carolina, and by the authority of the same, That the said Chappel, now built at Childsberry, shall from henceforth continue and remain and be held, reputed, called, known and taken to be a Parochial Chappel of Ease for ever.

II. And that the inhabitants of the said parish, for whose convenience and at whose expence the said Chappel has been built, may attend divine worship in the said Chappel, agreeable to the Church of England, as by law established, *Be it enacted* by the authority aforesaid, That from and after the passing of this Act, the Rector or Minister of the said parish and

his successors, rectors and ministers of the said parish for the time being, are hereby impowered and required every fourth Sunday throughout the year, and not oftener, to repair to the said chappel, and then and there celebrate divine service according to the rubrick and liturgy of the church of England, and at proper times preach and do and perform all such sacred and ministerial offices which by him may be done, exercised and performed.

A. D. 1725.

THOS. BROUGHTON, *Speaker.*

Charlestown, Council Chamber, December the 9th, 1725.

Assented to by AR. MIDDLETON.

AN ACT FOR FOUNDING AND ESTABLISHING TWO PAROCHIAL CHAPPELS No. 506.
OF EASE, THE ONE AT WILLTOWN, TO THE PARISH CHURCH OF ST. PAUL, AND THE OTHER AT OR NEAR CAPTAIN COX'S PLANTATION, TO THE PARISH CHURCH OF ST. BARTHOLOMEW.

WHEREAS, the extent of the parish of St. Paul is very large, and many of the inhabitants live at so great a distance from the parish church that by bad weather and the heat in summer, they are prevented from going to the said church, and consequently deprived of the sacred ordinances and publick worship of almighty God: And whereas the inhabitants of the parish of St. Bartholomew have for many years been without a church or proper place wherein to attend divine service, the misfortunes and calamitys of the late unhappy Indian war having prevented the building the parish church, and the same remaining yet unbuilt; to the end therefore that none of the parishioners of either of the parishes aforesaid, may be deprived of the publick worship of God, or of entering into the communion of the church of England as by law established, and that they may receive all the necessary assistance towards erecting and building the two chappels aforesaid, we pray your most sacred Majesty that it may be enacted,

I. *And be it enacted* by the honourable Arthur Middleton, Esq. President and Commander-in-chief of his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council and the Assembly of this Province, and by the authority of the same, That there shall with all convenient speed be built at Willtown, a chappel for the publick worship of almighty God, which said chappel shall from thenceforth continue and remain, and be held, reputed, called, known, and taken to be a parochial chappel of ease for ever; and there shall also be built and erected at or near Captain Cox's plantation, a chappel for the publick worship of almighty God, which said chappel shall from thenceforth be also held, reputed, called, known and taken to be a parochial chappel of ease for ever.

II. And that the inhabitants of both the aforesaid parishes may attend divine worship in the said chappels agreeable to the church of England, as by law established, *Be it enacted* by the authority aforesaid, That from and after the passing this Act, the rector or minister of each of the said parishes for the time being, are hereby impowered and required every fourth Sunday throughout the year, and not oftener, to repair to the said chappels, and then and there celebrate divine service, according to the

A. D. 1725.

rubrick and liturgy of the church of England, and at proper times preach and do and perform all such sacred and ministerial offices which by him may be done, exercised and performed.

III. And whereas, the General Assembly of this Province have thought fit to raise five hundred pounds current money, towards the building the said two chappels, that is to say, to the chappel to be built at Willtown, two hundred pounds, and to the chappel to be built at or near Captain Cox's plantation, three hundred pounds; to prevent therefore any misapplication of the monies aforesaid, and that it may be expended on the works aforesaid with the utmost care and best husbandry, *Be it enacted* by the authority aforesaid, That Colonel John Palmer, Mr. Robert Yonge and Mr. Thomas Hill, be and are hereby appointed commissioners to supervise and carry on the building of the chappel to be built at Willtown, and that Mr. John Parker, Mr. John Hunt, Mr. Hugh Bryan and Mr. William Evertson, be and are hereby appointed commissioners to supervise and carry on the building of the chappel to be built at or near Captain Cox's plantation, and they are hereby impowered to build each of the said chappels in such manner and form, and of such dimensions and with such materials as they shall think best, and to agree with workmen for that purpose; and the said commissioners shall have power and they are hereby impowered to draw on the publick treasurer for building the chappels aforesaid, not exceeding the sum hereby given, as the workmen shall proceed and carry on the said works, and shall return an account how the aforesaid sums have been expended, with each particular sum laid out, to the treasurer of the Province for the time being, in order to be laid before the General Assembly of this Province at their next meeting after such account is returned.

IV. And that the parishioners of St. Bartholomew's may enjoy the benefit intended them by this Act, *Be it enacted* by the authority aforesaid, that in case a minister of the church of England should be appointed to the said parish before the parish church is built, that the said minister shall constantly celebrate divine service in the said chappel as other ministers do in the several parish churches in this Province, and that after the said parish church shall be built, the said minister shall perform his ministerial office in the said chappel every fourth Sunday, as is before directed.

V. *And be it enacted* by the authority aforesaid, That any two of the commissioners appointed to supervise the building the two chappels aforesaid, shall be and they are hereby appointed a quorum, and shall have power to draw on the treasurer for the sum appropriated by this Act, and the said treasurer is hereby directed not to pay any orders drawn by the said commissioners, unless they be signed by a quorum as aforesaid.

THOS. BROUGHTON, *Speaker.*

Charlestown, Council Chamber, December the 9th, 1725.

Assented to by AR. MIDDLETON.

No. 507. AN ACT to encourage persons to become Settlers in the Province of South Carolina.

(Passed the 9th day of December, 1725. The original too much torn and defaced to be copied.)

A. D. 1723.

No. 508.

AN ACT FOR THE BETTER SETTling AND STRENGTHENING OF THIS PROVINCE.

WHEREAS, the engrossing and holding of large tracts of land unimproved by several persons, is very detrimental to the well settling of this Province, and whereas, it is found by experience, that the number of white people for that reason have not increased, and it being very necessary that some further measures should be taken for the importation of white people, in order to the better settling and strengthening of this Province, we therefore pray your most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted* by the Honourable Arthur Middleton, Esq. President and Commander-in-chief, by and with the advice and consent of his Majesty's honourable Council and the Commons House of Assembly, and by the authority of the same, That all persons possessing in their own right, or as executors, administrators, guardians, trustees or attorneys, to or for any other person whatsoever, two thousand acres of land inclusive, shall furnish one indented servant, to serve in the militia of this Province, and for every two thousand acres more, one other indented servant, which said servants shall be accounted according to the militia Act, and appear in the militia so accounted every six months, and no oftener, except on alarms and general musters. Provided always, that if any person is possessed of any lands otherwise than actually in his own right, so it exceeds not the quantity of two thousand acres to one person that he is in trust for, such lands shall not be included with his own, to make him liable to furnish any servant in the militia, pursuant to this Act; provided also, that no convicts shall be included in this Act, nor any others whose indentures do not run for at least four years.

Owners of 2000 acres of land to furnish one militia man properly accounted.

Convicts not to be included.

II. *And be it further enacted* by the authority aforesaid, That every person enjoined by this Act to furnish indented servants to appear in the militia as aforesaid, shall upon oath render an account yearly to one of the collectors of the tax in the division where such person resides, at the same time that he or she gives an account of their slaves or other estate they are taxable for, what number of servants every such person is or was possessed of the preceeding year; and if such person refuses to make oath, that he or she is possessed of one servant to serve in the militia of this Province, for every two thousand acres of land, pursuant to the directions of this Act, such person shall be returned by the collector to the publick receiver deficient of so many white servants as he or she is enjoined by this Act to provide. And the publick treasurer is hereby impowered and required, to levy the sum of three pounds proclamation money, or the value thereof in the currency of this Province, the exchange to be taken from the last settlement of the salaries of the clergy, for each servant he or she is so deficient, in the same manner and at the same time that the yearly tax of this Province is levied.

Owners of lands to render an account to the collector of their taxable property.

III. *And be it further enacted* by the authority aforesaid, That every person neglecting or refusing to give an account on oath to one of the collectors as aforesaid, of the number of acres of land he or she is possessed of, the said collector shall return such person so neglecting or refusing, to the publick receiver, who is hereby impowered to issue out an execution under his hand and seal, directed to the marshal, for six pounds proclamation money, or the value thereof in the currency of this Province, for every two thousand acres of land he or she was taxed for pursuant to the preceeding tax list.

Penalty on neglect of rendering account.

A. D. 1725.

Oath to be administered to the taxables.

IV. And that the design of this Act may be fully complied with, and to prevent fraudulent conveyances, *Be it further enacted* by the authority aforesaid, That every collector of the annual tax for the time being, shall and he is hereby impowered and required, when he collects the tax, to administer the following oath to every person possessed of any taxable estate in his division, viz : You, A. B., do swear that the account you give in is a just and true account of all the lands you are in any ways possessed of, interested in, or entitled unto in the Parish or precinct wherein you live, or in any other Parish or part of this Province, either in your own right or as executor, administrator, guardian or attorney, to or in trust for any other person or persons whatsoever. And you further swear that the account you now give, is also a just account of all the indented servants you have had in your possession for the preceeding year.

Application of the tax.

V. *And be it further enacted* by the authority aforesaid, That all monies arising by virtue of this Act, shall be applied towards the encouraging of white persons to become settlers in this Province, pursuant to an Act passed December the ninth, one thousand seven hundred twenty five, intituled an Act to encourage people to become settlers in this Province, and after the expiration of the same, towards purchasing of servants to supply the garrisons.

To be in force from 1st Jan'y. 1726.

VI. *And be it further enacted* by the authority aforesaid, That this Act shall not commence or take place till the first day of January, which shall be in the year of our Lord one thousand seven hundred and twenty-six, and that from and after that time, no other tax shall be imposed or levied on any land for which servants shall be found and provided.

Servant dying, master to be exempted.

VII. *And be it further enacted* by the authority aforesaid, That in case any servant, bought or kept by any person or persons pursuant to the directions of this Act, shall die before the indentures of such servant shall expire, then and in such case, such master or mistress producing the said indentures to the collector of the tax in the division where they respectively live, and on oath declaring before the said collector the time when such servant died, such master or mistress shall be exempted and excused from keeping any other servant in the room of such servant so dying, for and during the time remaining on such indenture ; and the collectors of the respective divisions are hereby impowered to tender the several oaths herein particularly mentioned.

Persons possessed of less than 2000 acres to be exempted from tax on certain conditions.

VIII. *And be it further enacted* by the authority aforesaid, That in case any person that is possessed of less than two thousand acres of land, shall think fit to keep such a white servant, imported after the ratification of this law, he or she shall be exempted from paying any tax for the said land. And all persons that keep a white servant, and has a less number of acres for which he is not obliged to keep another, every such person keeping a servant for the same shall also be excepted for all such lands.

Act of 23d Feb. 1722.

IX. *And be it further enacted* by the authority aforesaid, That one clause in an Act of the General Assembly of this Province, entitled an Act for the better strengthening and securing the frontiers of this Province, by continuing the garrison at Fort Moore, erecting a garrison at the Pallochucola Old Town, on the Savana river, repairing the Fort at Beaufort, and continuing the two scout boats, and limiting the bounds of the Indian hunt by the Savana river, passed the twenty-third of February, one thousand seven hundred twenty-two-three, which clause subjects the owners or claimers of any lands on the islands in and about Port Royal, in Granville county, to several penalties if they shall not have a white man who shall personally appear and serve in the militia for every thousand acres of such

lands; and every matter and thing in the said clause contained, is hereby declared to be repealed. A. D. 1725.

X. And to prevent the importation of convicts into this Province, *Be it further enacted* by the authority aforesaid, That every master of any ship or vessel who shall import any white servant or servants into this Province, before they are permitted to land or make sale of any such servant or servants, shall swear before the publick treasurer of this Province, that the said servant or servants have not been convicted of any crime, in any court, according to the best of his knowledge; and for every servant such master or masters shall presume to sell or dispose of, before he hath taken the oath aforesaid, he shall forfeit the sum of fifty pounds current money of this Province; the one half to his Majesty for the support of this Province, and the other half to such person or persons as will sue for the same; and shall be recovered in any Court of Record in this Province, wherein no essoin, privilege, protection or wager of law or noli prosequi shall be allowed, or any more than one imparlance.

Penalty on masters of vessels offending against this act in the landing and sale of servants.

XI. *And be it further enacted* by the authority aforesaid, That this Act and every thing therein contained shall be and continue in force for and during the term and time of five years next after the ratification thereof, and from thence to the end of the next sessions of the General Assembly, and no longer.

Limitation to five years.

THOS. BROUGHTON, *Speaker*.

Charlestown, South Carolina, Council Chamber, December 18, 1725.

Assented to by AR. MIDDLETON.

AN ACT FOR RAISING THE SUM OF TWENTY THOUSAND TWO HUNDRED AND SIXTY POUNDS EIGHTEEN SHILLINGS AND TEN PENCE HALF PENNY, FOR DEFRAYING THE CONTINGENT CHARGES OF THE GOVERNMENT FOR ONE YEAR, COMMENCING THE TWENTY-NINTH DAY OF SEPTEMBER, ONE THOUSAND SEVEN HUNDRED AND TWENTY-FIVE, AND ENDING THE TWENTY-NINTH DAY OF SEPTEMBER, ONE THOUSAND SEVEN HUNDRED AND TWENTY-SIX, AND FOR MAKING GOOD THE DEFICIENCY OF THE LAST YEAR'S TAX. No. 509.

WHEREAS, it appears upon an estimate made of the contingent charges of the Government, that the sum of twenty thousand two hundred and sixty pounds eighteen shillings and ten pence half penny will be wanting for defraying the same for the current year, and there appearing to be a deficiency in the tax of the last year, the sum of twelve hundred and nineteen pounds fifteen shillings and nine pence, not raised in the proportion of the tax directed to be paid in the country, exclusive of Charlestown, we therefore humbly pray your most sacred Majesty that it may be enacted,

Preamble.

I. *And be it therefore enacted* by the Honourable Arthur Middleton, Esquire, President and Commander-in-chief of his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council, and the Assembly of this Province, and by the authority of the same, That a tax or sum of twenty thousand two hundred and sixty pounds eighteen shillings and ten pence half penny, be equally imposed

Tax of £20,260. 18. 10.

A. D. 1725. and levied on the several inhabitants of this Province, in the manner following; that is to say, the sum of three thousand one hundred and seventy-three pounds ten shillings and six pence farthing, on the real and personal estates, stocks and abilities of the several inhabitants of Charlestown, over and besides their lands and slaves in the country, and the sum of seventeen thousand eighty-seven pounds eight shillings and four pence farthing on the several inhabitants living and residing without the limits of Charlestown platt.

Distribution of
the tax.

Rates of
taxation.

Collectors
named and
appointed.

II. *And be it further enacted and declared* by the authority aforesaid, That every hundred acres of land be and is hereby rated at five shillings per hundred acres, and every slave of what age soever, at twenty shillings per head; and that all persons required to pay any tax by virtue of this Act, shall pay in the same to the collectors and receivers hereby appointed respectively to receive the same, at such publick place as the collectors respectively in the Parish where such taxable person lives or resides, on or before the first day of March next ensuing the passing of this law.

III. *And be it further enacted* by the authority aforesaid, That for the several Parishes of this Province the several persons hereafter named, that is to say, for the Parish of St. Philip, Charlestown, within the town plat, and for that part of the Parish without the town plat, Col. Alexander Parris, publick Treasurer or the publick Treasurer for the time being; for the Parish of St. James Goose Creek, Mr. Edward Smith and Mr. William Adams; for the Parish of Christ Church, Mr. John Vanderhorst and Mr. Samuel Wiggfall; for the Parish of St. John, Daniel Huger, Esq. and Mr. Daniel Ravaneel; for the Parish of St. George, Mr. Thomas Waring and Mr. Gilson Clapp; for the Parish of St. Thomas and St. Dennis, Mr. Jeremiah Russel and Mr. James Maxwell; for the Parish of St. Andrews, (James Island excluded,) Mr. William Fuller, Sen'r. and Mr. Thomas Dymes; for that part of the said Parish called James Island, Mr. Jonathan Evans and Mr. William Chapman; for the Parish of St. Paul, that is to say, for John's Island, Mr. John Stanyarne and Mr. Samuel Jones; for Edisto Island, Mr. Richard Stevens and Capt. William Edings; for Wadmelow Island, Mr. William Williams and Mr. David Ferguson; for Stono and the east side of Pon Pon, Christopher Wilkinson and Robert Yonge, Esq'rs.; for the Parish of St. Bartholomew, Mr. Royal Spry and Mr. John Jackson; for the Parish of St. James Santee, Mr. John Gendroon and Mr. William Waties; for the Parish of Prince George Winyaw, Mr. Meredith Hughes and Mr. Elisha Scriven; for the Parish of St. Helena, Mr. John Delabarre and Mr. Nathaniel Barnwell—be and are hereby appointed receivers and collectors, who in twenty days after receiving of the taxes as aforesaid, shall transmit the same to the Treasurer in Charlestown, together with a schedule fairly wrote in proper columns under their hands, of the names of the persons paying tax and the quantity of lands and slaves for which such taxes are paid, and the Parish where each tract of land and number of slaves are lying and abiding, according to the oath herein after prescribed, and the names of the defaulters in paying their tax. And the said respective collectors as aforesaid, at the end of the said twenty days next after the day of payment as aforesaid, shall close their accounts and transmit the same to the publick treasurer in Charlestown; and every taxable inhabitant shall, some time at or before the time limited for paying in his tax to the said collectors, render an account in writing under his hand of all his lands and slaves, of what age soever, and an account of what Parish the said land and slaves are in, and take the following oath, to be administered by the said collectors: You, A. B., do swear that the account you now give in is a just and true account of all the

Their duty.

Taxables to
render an
account on
oath.

A. D. 1725.

lands and slaves of what age soever, which you are any ways possessed of, interested in or entitled unto in the Parish or precinct wherein you now live, or in any other Parish or part of this Province, either in your own right, or as executor, administrator, guardian or attorney to or in trust for any other person or persons whatsoever, and that without any equivocation or mental reservation. So help you God. And the said collectors shall, at the time of returning in such accounts, and paying in the money by them collected and received, to the publick treasurer, give in an account in writing of their own lands and slaves, of what age soever, after the manner above directed on oath, and pay in their tax to the said publick treasurer.

IV. *And be it further enacted* by the authority aforesaid, That if any person or persons, in giving in or rendering his account of land and slaves as aforesaid, shall wilfully or voluntarily conceal any part thereof, all such persons shall forfeit all and every part of such real and personal estate so concealed; the one half to his Majesty for the support of this Government, and the other half to him or them that will sue for the same by action of debt, bill, plaint or information, to be brought in any court of record in the precinct where the offence is committed, wherein no protection, essoin, privilege, noli prosecute or wager of law shall be allowed or admitted of.

Penalty on concealment.

V. *And be it further enacted* by the authority aforesaid, That any person neglecting or refusing to render such account to the collectors aforesaid respectively, at such time and place as they shall appoint by the first day of March next, after the ratification of this law, he shall be returned by the said collectors as a defaulter, and shall be rated by the publick treasurer treble the value of what he was rated in the last tax, and the publick Treasurer shall levy the same accordingly; and in case it shall so happen that such person is not to be found in the last tax list, the said publick treasurer is hereby required to rate him double of what his tax amounts to, according to his best information, and levy the same accordingly.

Or refusing to render an account.

VI. And whereas divers inhabitants living without the limits of Charlestown plat, are possessed of divers houses and town lots and parts of lots within the same, *Be it therefore enacted* by the authority aforesaid, That all persons possessed of such town houses and lots or parts of lots, do give in an account thereof in their own proper person, or return on oath the number of the said lots, or in what parts of the said town the said town houses or lots lie, to the collector of the tax in Charlestown, within forty days after the passing of this Act, to the intent the assessors of Charlestown may proceed on their assessment by the time required of them by this Act; and all such persons shall be rated for such lots as if they were actually resident in Charlestown; and all town lots and the improvements thereon, shall be rated at the discretion of the assessors in Charlestown; and as all other town lots lying in any Parishes of this Province are of the same value, they shall not be rated or accounted for in this tax.

Owners of town houses and lots.

VII. And forasmuch as the tax to be raised within the limits of Charlestown plat, being to be assessed on the stocks and abilities of the inhabitants, cannot be conveniently raised without the appointment of inquirers and assessors, *Be it therefore enacted* by the authority aforesaid, That Captain Othniel Beale, Captain Anthony Matthews, jr. and Mr. Jacob Motte, be and are hereby appointed inquirers for Charlestown, and the said inquirers are hereby directed and ordered to inquire into and take an account of all such real estates and slaves of the inhabitants living and residing within the limits of Charlestown plat, which they shall be possessed of, interested in, or entituled unto, either in their own right or

Inquirers appointed for Charlestown.

A. D. 1725.

in the right of any other person whatsoever, which are lying or being within the limits of the said town plat, and of all the lands and slaves without the limits of the same, in any other part of the Province; and the said inquirers shall make and finish their inquiry and return the same to the assessors hereby appointed for Charlestown, on or before the first day of February next; and that all and every other person, merchant or inhabitant, living and residing within the limits of Charlestown plat, being possessed of any lands or slaves in the country, shall likewise render an account thereof on oath, to the inquirers of Charlestown, and of the several parishes where the same lies, which shall be reckoned as part of the country tax, and pay in the same to the publick receiver; provided always nevertheless, that nothing herein before contained shall extend to be construed to give the said inquirers or assessors any power or authority to take an account of or assess any such goods, wares, merchandizes or effects as shall be consigned immediately to any merchants or factors in this Province, three calender months before such inquiry shall begin to be made; and it is hereby declared that the several slaves belonging to the said inhabitants of Charlestown, which have been for six months then last past employed by their said respective masters in Charlestown, shall be reckoned and accounted into part of the said tax hereby appointed for Charlestown; and that all and every slave, as well as their lands belonging to the said inhabitants of Charlestown, which for the most part are employed in the country, shall be reckoned and accounted for in the country tax.

Store-keepers rated.

VIII. *And be it further enacted* by the authority aforesaid, That the store-keepers living and residing in the country, shall be rated by the collectors in the several parishes where they live, for their stores and stocks, after the rate of the assessments directed to be made on the inhabitants of Charlestown, and the monies arising by the assessment of the said stores shall be paid to the publick treasurer, in order to be included in the tax; and in such parishes where one of the collectors shall happen to be a store-keeper, the other collector shall and is hereby impowered to assess and rate such a store-keeper as the other store-keepers in the country are rated and assessed.

Appell allowed

IX. *And be it further enacted* by the authority aforesaid, That every person, as well inhabitants of Charlestown as store-keepers in the country, who shall have reason to believe he is over rated for his stocks or stores, shall have, ten days after, publick notice given by the assessors at the watch-house in Charlestown, or other publick places in the country for that purpose, to swear off so much as he is over rated before the said assessors or collectors; and the assessors or collectors aforesaid, are hereby impowered to administer such oath and allow of an abatement accordingly.

Oath to be taken on giving in returns.

X. *And be it further enacted* by the authority aforesaid, That the said assessors, upon receiving the returns of the inquirers for Charlestown, shall administer unto them the following oath: You, A B, C D and E F, do swear that the account you now give in is a just and true account of all the real estates and slaves of the several inhabitants of Charlestown, lying within and without the limits of the said town plat, according to the best of your knowledge. So help you God.

Inquirers to render an account of their own estates.

XI. *And be it further enacted* by the authority aforesaid, That the inquirers aforesaid, at the same time, shall render an account to the said assessors of their own real estates and slaves, lying and being within and without the limits of the said town plat, and take the same oath before the assessors, *mutatis mutandis*, as they are directed to administer to the other inhabitants of Charlestown.

XII. *And be it further enacted* by the authority aforesaid, That Mr. Benjamin Godin, Mr. Charles Hill, Mr. Samuel Prioleau, Mr. John Wright and Mr. Francis Le Brasseur, be and are hereby appointed assessors for assessing the said inhabitants of Charlestown; and they are hereby authorized, empowered and required to rate and assess the said sum of three thousand one hundred and seventy-three pounds ten shillings and six pence farthing, being the proportion of the tax to be raised on the real and personal estates, stocks and abilities of the inhabitants of Charlestown, and others interested in the said town as aforesaid, ratably and proportionably, according to the best of their skill and judgment; and any three of the said assessors shall be a quorum, and shall meet at the house of Colonel Miles Brewton on the first day of February next, there to continue to finish the assessment, or adjourn to any more convenient place in or near Charlestown, as they shall see fit; and the said assessors shall finish and compleat the said assessment on or before the fifteenth day of February next, and return a duplicate thereof under their hands, unto the said publick treasurer in Charlestown, who shall cause a duplicate thereof to be posted at the publick watch-house in Charlestown, in three days after his receiving the same from the hands of the said assessors.

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Assessors
named.

XIII. *And be it further enacted* by the authority aforesaid, That the said assessors shall, before they enter on the execution of their office, take the following oath before one of His Majesty's justices of the peace, who shall give him a certificate of his so doing: I, A B, do sincerely swear that I will indifferently, equally and impartially rate and assess all and every person to me returned to be assessed, by the inquirers of Charlestown for that purpose appointed, according to the directions to me given by this Act, and according to the best of my skill and knowledge. So help me God.

Oath to be
taken.

XIV. *And be it further enacted* by the authority aforesaid, That in case the said assessors shall find any mistakes in the returns of the inquirers, the said assessors shall not be tied so strictly to the said returns, but they may have liberty to proceed according to better information or knowledge; but if any man's tax does not exceed five shillings current money, he shall not be rated or assessed.

Mistakes to be
rectified.

XV. *And be it further enacted* by the authority aforesaid, That every person so assessed by the said assessors for Charlestown, shall likewise pay into the hands of the publick treasurer the several sums of money on them respectively rated, on or before the first day of March; and in case any person shall neglect or refuse to pay in his or their tax, at the days and times herein before mentioned and appointed for payment thereof, the said publick treasurer shall, in thirty days after the time fully elapsed, without favour, affection or further delay, levy the same, by virtue of a warrant signed and sealed by him, directed to the marshal or any constable of the respective parishes or divisions where such defaulter lives or resides, by distress and sale of the defaulter's goods, returning the overplus, if any shall happen to be, to the defaulter, after deducting the reasonable charges; and if no such distress can be found by the said marshal or constable, or if the defaulter shall neglect or refuse to produce goods whereon the monies so assessed may be forthwith levied, then the said marshal or constable, by virtue of the said warrant, shall take the body of such defaulter or defaulters, and bring him, her or them to the common goal in Charlestown, and the marshal aforesaid shall detain him, her or them in the goal aforesaid, without bail or mainprize, until they have satisfied the debt and charges aforesaid; and in case he be re-

Tax to be paid
on or before
the 1st March.

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sisted in the execution of his office, he is hereby also impowered to take a sufficient number of persons to his assistance, and the charges he shall be at in procuring such assistance, shall be levied on the defaulter in manner aforesaid.

Fees allowed.

XVI. *And be it further enacted* by the authority aforesaid, That the marshal or constable to whom such warrants shall be directed, shall take the following fees in the execution of their office, viz : to the marshal or constable, twelve pence current money of this Province for every twenty shillings so to be levied and paid to the public Treasurer, and twelve pence current money for every mile, to be computed from the dwelling house of such marshal or constable to the dwelling house or place of residence of such defaulters, and no more or any other fee or fees whatsoever. And the Treasurer, for every execution he shall issue for levying any part of the tax upon any defaulter, shall from every such defaulter take five shillings current money.

Taxables neglecting to give in an account of their estate.

XVII. *And be it further enacted* by the authority aforesaid, That if any taxable person shall neglect to give in his account of his estate to the said collectors or inquirers, by the first day of March next, and shall be omitted in the return of the collectors or inquirers, and shall have omitted or neglected to pay in his tax by the time before limited, the publick Treasurer, notwithstanding such omission, is hereby impowered and required, as soon as he shall have knowledge thereof, to issue his warrant against such person so omitted, in the same manner as if he had been returned as a defaulter. And in case the said publick Treasurer shall not have a just information of what such person's tax does amount to, the said warrant shall run for treble the sum such person was rated in the last tax, and shall be dealt with in all other respects as a defaulter.

Warrants may issue for arrears of former taxes.

XVIII. *And be it further enacted* by the authority aforesaid, That the publick Treasurer shall have full and ample power in all respects for collecting and getting in arrears of taxes due by any former law or Act of Assembly, notwithstanding the same be repealed and expired; and the same may be levied and recovered by virtue of any warrant or warrants under the hand and seal of the publick Treasurer in manner as aforesaid.

Case of taxable persons dying.

XIX. *And be it further enacted* by the authority aforesaid, That in case any person should happen to die between the time of giving in his account to the said Collectors or Inquirers and the paying of his tax, and any goods or chattels of the deceased, to the value of the sum he was assessed at, shall come to the hands of his executors or administrators or any executors in their own wrong, such executor or administrator shall pay the same by the time before limited, prior to all mortgages, judgments and debts whatsoever, debts due to his Majesty excepted, or otherwise a warrant or execution shall issue against the proper goods of such executor or administrator; and if any person between the time limited for rendering the accounts of his estate to the collectors or inquirers aforesaid, and the time of paying in his tax, shall be about to depart this Province, the said publick Treasurer is hereby required forthwith to levy the same, notwithstanding the days of payment are not then already come, unless such persons will find sureties to the liking of the said publick Treasurer for payment thereof at the time appointed.

Conveyances and gifts made to avoid the tax, declared void.

XX. *And be it further enacted* by the authority aforesaid, That all deeds of gift, conveyances, mortgages, sales and assignments of lands, tenements, goods and chattels, of any person whatsoever, made with intent to avoid his being assessed or paying his tax, are hereby deemed and declared to be fraudulent, and null and void, to all intents and purposes whatsoever.

XXI. *And be it further enacted* by the authority aforesaid, That in case any person who has mortgaged any part of his real and personal estate shall neglect or refuse to pay tax for the same, the mortgagee shall be answerable and subject to pay the sum assessed on the mortgagor, provided, such real and personal estate is in the possession or occupation of the mortgagor.

A. D. 1725.

Mortgagor neglecting, the mortgagee declared liable.

XXII. *And be it further enacted* by the authority aforesaid, That the said publick receiver and collectors, inquirers, assessors, marshal or constable, and every other magistrate or officer that shall neglect or refuse to do and perform the several matters hereby required of them respectively to be done and performed, shall for every such neglect or refusal forfeit the sum of fifty pounds current money, to be recovered in any Court of Record in the county where the offence is committed; the one half to his Majesty for the support of this Government, and the other half to him that will sue for the same by action of debt, bill, plaint or information, wherein no protection, essoign, noli prosequi or wager of law shall be allowed or admitted of.

Penalty on neglect of duty.

XXIII. *And be it further enacted* by the authority aforesaid, That in case any of the collectors, inquirers or assessors before mentioned in this Act shall happen to die, or refuse to act, or depart this Province before they have executed the powers and authorities hereby given to them, that then his Excellency the Governour or Commander-in-chief for the time being, be and is hereby empowered, with the advice of his Majesty's honourable Council, to nominate and appoint, by order of Council on that behalf, another fit person for the precinct of Charlestown; and that the several Judges of the County and Precinct Courts, for their respective counties, have the like power in that case as the Governour in Council in the said precinct of Charlestown, in the room of him so dying, going off, or refusing to act; and the person so appointed shall have the same powers and be under the same penalties as the other collectors, inquirers or assessors hereby nominated.

Inquirers or assessors dying.

XXIV. And whereas, the tax for the current year will amount to the sum of twenty thousand two hundred and sixty pounds eighteen shillings and two pence half penny, *Be it therefore enacted* by the authority aforesaid, That the aforesaid sum of twenty thousand two hundred and sixty pounds eighteen shillings and ten pence half penny, shall be appropriated and paid by the publick Treasurer, by orders of the General Assembly, as usual, and not otherwise: that is to say, to parochial charges of ten parishes, viz: St. Philip's, Charlestown, fifty-five pounds; St. James's, Goose Creek, forty pounds; St. John's, forty pounds; St. Thomas and St. Dennis, forty pounds; Christ Church, forty pounds; St. James's, Santee, forty pounds; St. George's, forty pounds; St. Andrew's, forty pounds; St. Paul's, forty pounds; St. Helena, forty pounds; to the Master and Usher of the Free School, six hundred pounds; to repairing eight parsonage houses, eight hundred pounds; to the salary of the commander of Fort Moore for one year, two hundred and fifty pounds; for the lieutenant of said Fort, one hundred and forty-four pounds; for the serjeant of said Fort, ninety-six pounds; to twenty-four men, for twelve months, at six pounds per month, for said Fort, one thousand seven hundred and twenty-eight pounds; to twelve months provisions, to the twenty-ninth of September, one thousand seven hundred and twenty-six, for said Fort, eight hundred and ten pounds; to sundry medicines and other necessaries for said Fort, fifty pounds; to the commander of the Pallachucola garrison, for twelve months, two hundred and fifty pounds; to the lieutenant of said Fort, one hundred and forty-four pounds; to the serjeant of said Fort, ninety-six pounds; to fourteen

Appropriation of the sum hereby raised.

A. D. 1725.

men, twelve months, at six pounds per month, for said Fort, one thousand and eight pounds; to provisions for seventeen men for twelve months, for said Fort, five hundred and ten pounds; to necessaries for said Fort, twenty-five pounds; to the commander of two scout boats, for twelve months, three hundred and sixty pounds; to twelve men, at eight pounds per month, for said boats, eleven hundred and fifty-two pounds; to provisions for fourteen men, for the said boats, three hundred and sixty-four pounds; sundry necessaries for said boats, twenty pounds; to the commander of Johnson's Fort, for twelve months, two hundred pounds; to six men, at six pounds per month, for said Fort, four hundred and thirty-two pounds; to provisions for seven men, for said Fort, one hundred and eighty-two pounds; to candles, &c. for said Fort, twenty pounds; to the salary of Armourer and Gunner of Charlestown, three hundred and fifty pounds; to the Clerk of the Assembly, from the twenty-third day of May, one thousand seven hundred and twenty-five, to the twenty-ninth day of September, one thousand seven hundred and twenty-six, five hundred and forty pounds; to a house for the use of the Assembly, one hundred pounds; to rent for a house for a School, one hundred pounds; to the Commissary of the Garrisons, two hundred pounds; to the Treasurer, for receiving the tax, three hundred pounds; to Colonel Chicken, for going among the Cherokees, five hundred pounds; to Mr. Burley, one hundred pounds; to Christ Church Parish, four hundred pounds; to Colonel Hastings, as a linguist, upon occasion, for one year, one hundred pounds, to be paid quarterly; to John Chester, for going with an express to the Cherokees, forty pounds; to charges of Expresses, &c. one hundred pounds; to the church of St. Thomas and St. Dennis, four hundred pounds; for a chappel in St. Bartholomew, three hundred pounds; for a chappel at Willtown, two hundred pounds; to the Free School, not provided for in the last estimate, six hundred pounds; the deficiency of the country tax for the last year, twelve hundred and nineteen pounds fifteen shillings and nine pence; to the Captain of the Watch for extraordinary service, twenty pounds; to Thomas Hendley for a negro killed, one hundred pounds; to Captain Crofts, for a linguist, &c. to the Spaniards, one hundred pounds; to Col. Chicken, for a horse, thirty-five pounds; to Captain Lloyd's account, twenty nine pounds twelve shillings and six pence; to Captain Dry's account, three pounds thirteen shillings and three half pence; to Mr. John Lloyd, for frames of mapps, fifty pounds; to Lieutenant Huddy's account, sixty-three pounds; to Edmund Maxwell, seventeen pounds twelve shillings and six pence; to Mr. William Cattell, for a negro killed, one hundred pounds; to Secretary Hart's account, one hundred and thirty-one pounds ten shillings; to Colonel Hastings, for salary, three hundred and fifty pounds; to William Winderas, for mapps, thirty pounds; to Colonel Herbert, for mapps, twelve pounds; to the free school kitchen, four hundred pounds; to Colonel Parris, Treasurer, four hundred and fifty-seven pounds fifteen shillings; to contingencies, three thousand one hundred and thirty pounds; to Mr. Pinckney, as clerk to the school commissioners, twenty-five pounds.

Penalty on the
public Treasurer
for misapplying.

XXV. And to prevent the misapplication of public monies, *Be it further enacted* by the authority aforesaid, That if the said publick Treasurer shall apply any of the publick monies to any other use, intent or purpose whatsoever, than what is herein before directed, without an Act passed in both Houses in due form, he the said publick Treasurer shall forfeit double the sum so misapplied, the one half to his Majesty for the support of this Government, and the other half to him or them that will sue for the same in any Court of Record in this Province, by action of debt, bill, plaint or

information, wherein no essoin, protection or wager of law shall be allowed or admitted of, and without any power from any person whatsoever, unless it be by an order of the General Assembly, to enter a noli prosequi, release or discontinue the said suit.

A. D. 1725.

XXVI. *And be it further enacted* by the authority aforesaid, That all orders that shall now pass the General Assembly for any sum or sums of money, payable out of the publick treasury, shall be received and discounted by the Treasurer in the ensuing tax; and the publick Treasurer is hereby required and directed to receive and discount all such orders in the tax accordingly.

Orders drawn
by the Assem-
bly to be paid
out of the tax.

XXVII. *And be it further enacted* by the authority aforesaid, That every execution that the Treasurer shall grant against any person that shall refuse or neglect to pay their several taxes, at the time before appointed, shall run and be against all such defaulters in any particular division where the said tax was to be levied; and in case the marshal or constable, their executors or administrators, shall refuse or neglect to make return of such execution to the said Treasurer, or to pay to the said Treasurer the monies he shall levy by virtue thereof, within twenty days after he or they shall have received such execution, he the said Treasurer shall have and maintain an action of debt, in any court of record in this Province, against the said marshal or constable, their executors or administrators, to whom such execution shall be directed, wherein no essoin, protection or wager of law shall be allowed, or more than one imparlance.

Executions
granted by the
Treasurer.

XXVIII. *And be it further enacted* by the authority aforesaid, That all and every officer, collector, inquirer, marshal or constable, their executors or administrators, or any other person who shall be sued by reason of any matter or thing done in the execution of this Act, shall have leave to plead the general issue and give this Act and the special matter in evidence, and if the party suing shall suffer a nonsuit, discontinuance, or a verdict pass against him, the defaulter shall recover treble costs, for which the said defendant shall have the like remedy as where costs are given at law.

In case of suit
brought on this
act.

THO. BROUGHTON, *Speaker.*

Charlestown, South Carolina, Council Chamber, Dec. 4, 1725.

Assented to : AR. MIDDLETON.

AN ACT to raise and appropriate a fund of money to erect a building in Charlestown to hold and contain the Publick Arms of this Province. *No. 510.*

(Passed June 1, 1725, for one year. Expired. The original not now extant.)

AN ACT to revive and continue several Laws therein mentioned. *No. 511.*

(Passed March 11, 1726. The original not now extant.)

A. D. 1726.

No. 512. *AN ACT* FOR APPOINTING AN AGENT TO SOLICIT THE AFFAIRS OF THIS PROVINCE IN GREAT BRITAIN.

WHEREAS, there are many great and important affairs now depending before the General Assembly of this Province, to be solicited and represented in Great Britain, which cannot be effectually done without the appointment of an Agent; and whereas, the General Assembly of this Province have thought Mr. Samuel Wragg, of London, Merchant, to be a proper person to transact and solicit the affairs of the same; we therefore pray your most sacred Majesty, that it may be enacted,

I. *And be it enacted* by the Honourable Arthur Middleton, Esq. President and Commander-in-chief of this his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council and the Assembly of this Province, and by the authority of the same, That the said Mr. Samuel Wragg be and he is hereby nominated and appointed Agent to transact and solicit the affairs of this Province in Great Britain.

II. *And be it further enacted* by the authority aforesaid, That the said Mr. Samuel Wragg shall, and he is hereby required and directed to follow and pursue all such instructions as he shall from time to time receive from the General Assembly, or from the Committee hereafter named, appointed to correspond with the said Mr. Samuel Wragg.

III. *And be it further enacted* by the authority aforesaid, That the Honourable Colonel William Bull, Charles Hart, Esq., Colonel John Fenwick, Benjamin Whitaker, Samuel Eveleigh, John Lloyd and William Rhett, Esqs., or any three of them, one of which always to be of the Council, be and they are hereby appointed a committee to correspond with the said Mr. Samuel Wragg, and to give him such orders and instructions as they shall judge for the service of this Province—the General Assembly not then sitting.

IV. *And be it enacted* by the authority aforesaid, That upon proper accounts being laid before the General Assembly of this Province, by the said Mr. Samuel Wragg, effectual care shall be taken to discharge and pay him all such sums of money as shall justly be due to him for his agency, and his reasonable disbursements in transacting the affairs of this Province, as also what shall be necessarily expended in carrying on the application for obtaining the continuance of his Majesty's government over us.

V. And whereas, it is necessary that there should be a Clerk allowed to the said Committee of Correspondence, to draw and transcribe all letters and papers which may be thought necessary to be sent to the said Agent by the said committee; *Be it therefore enacted* by the authority aforesaid, That the said committee have power, and they are hereby empowered, to nominate and appoint a fit person to be their Clerk, who shall be allowed any sum not exceeding twenty pounds current money of this Province, to be paid out of the money appropriated for contingencies, for the services he shall do to the said committee.

VI. *And be it further enacted* by the authority aforesaid, That the said Mr. Samuel Wragg shall be and continue Agent to this Province one whole year, to commence the eighth day of April, one thousand seven hundred twenty-seven; and that he be, and he is hereby allowed the sum

of one hundred pounds sterling moneys of Great Britain, or as much of the currency of this Province as shall be equal thereto, for his services as Agent, to the time aforesaid. A. D. 1726.

THO. BROUGHTON, *Speaker.*

Charlestown, Council Chamber, March 11th, 1726.

Assented to: AR. MIDDLETON.

AN ACT FOR APPOINTING AN AGENT TO SOLICIT THE AFFAIRS OF THIS No. 513.
PROVINCE IN GREAT BRITAIN.

WHEREAS, there are many great and important affairs now depending before the General Assembly of this province, to besolicited and represented in Great Britain, which cannot be effectually done without the appointment of an Agent; and whereas the General Assembly of this Province have thought Francis Yonge, Esq. to be the properest person for the present Agent, to transact and solicit the affairs of the same; we therefore pray your most sacred Majesty that it may be enacted,

I. *And be it enacted* by the Honourable Arthur Middleton, Esq., President and Commander-in-chief of this his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council, and the Assembly of this Province, and by the authority of the same, That the said Francis Yonge be and he is hereby nominated and appointed Agent, to transact and solicit the affairs of this Province in Great Britain.

II. *And be it further enacted* by the authority aforesaid, That the said Francis Yonge shall and he is hereby required and directed to follow and pursue all such instructions as he shall from time to time receive from the Governour, Council and Assembly, or from the Committee hereafter named, appointed to correspond with the said Francis Yonge.

III. *And be it further enacted* by the authority aforesaid, That the Honourable Ralph Izard and the Honourable Colonel William Bull, of his Majesty's Council, and Colonel John Fenwick, Major Thomas Hepworth, Mr. Whitaker, Mr. Eveleigh, and Captain Daniel Green, members of the Commons House of Assembly, or any three of them, one of which always to be of the Council, be and they are hereby appointed a Committee, to correspond with the said Francis Yonge, and to give him such orders and instructions as they shall judge for the service of this Province—the General Assembly not then sitting.

IV. And whereas, there is at present due to the said Francis Yonge, Esq., for his services as Agent to this Province, and for money necessarily expended in the said service, several sums of money, and there will require more money to be raised towards carrying on the application intended to be made to his Majesty for continuing this Province under his immediate protection and government; *Be it therefore enacted* by the authority aforesaid, That upon proper accounts being laid before the General Assembly of this Province, by the said Francis Yonge, effectual care shall be taken to discharge and pay him all such sums of money as are or shall be justly due to him for his agency, and his reasonable disbursements in transacting the affairs of this Province, as also what shall be necessarily

A. D. 1726. expended in carrying on the application for obtaining the continuance of his Majesty's government over us.

V. And whereas, it is necessary that there should be a Clerk allowed to the said Committee of Correspondence, to draw and transcribe all letters and papers which may be thought necessary to be sent to the said Agent by the said Committee, *Be it therefore enacted* by the authority aforesaid, That the said committee have power and they are hereby impowered to nominate and appoint a fit person to be their Clerk, who shall be allowed any sum not exceeding twenty pounds current money of this Province, to be paid out of the money appropriated for contingencies, for the services he shall do to the said Committee.

VI. *And be it enacted* by the authority aforesaid, That the said Francis Yonge, Esq. shall be and continue Agent to this Province, until the seventeenth day of April next, and that he be and he is hereby allowed the sum of two hundred pounds sterling money of Great Britain, or as much of the currency of this Province as shall be equal thereto, for his services as Agent, to the time aforesaid.

THO. BROUGHTON, *Speaker*.

Charlestown, May 21, 1726.

Assented to : AR. MIDDLETON.

No. 514. AN ADDITIONAL ACT to an Act entituled An Additional Act to an Act for keeping and maintaining a Watch and good orders in Charlestown.

(Passed March 11, 1726. Expired. *See last volume.*)

No. 515. AN ACT for making a new Road between the North and Middle Branch of Stono River.

(Passed March 11, 1726. *See last volume.*)

No. 516. AN Additional ACT TO AN ACT FOR THE TRIAL OF SMALL AND MEAN CAUSES.

Preamble. WHEREAS, great delay and charges arise from the recovery of small debts; for preventing thereof for the future, we pray your most sacred Majesty that it may be enacted,

Debts under
£20 how to be
sued for.

I. *And be it enacted* by the Honourable Arthur Middleton, Esq., President and Commander-in-Chief, by and with the advice and consent of his Majesty's Council, and the Assembly of this Province, and by the authority of the same, That all debts hereafter contracted, not exceeding twenty pounds current money, shall be determined by a Justice of the Peace, and not triable elsewhere, under penalty of the loss of the debt to the plaintiff suing for the same; and such Justice shall have the same fees, and no more, as the Justice of the Peace and Constable

receives, according to the fees settled by the Act for the Trial of Small and Mean Causes; any law, usage or custom to the contrary notwithstanding. A. D. 1726.

II. *And be it further enacted* by the authority aforesaid, That no writ of *capias ad satisfaciendum* or execution against the body of the defendant, shall hereafter be issued for any debts or damages under five pounds less than £5. proclamation money, debts due to his Majesty only excepted. No execution shall issue for less than £5.

III. And whereas, by an Act of the General Assembly of this Province entituled an Act for the Trial of Small and Mean Causes, passed the second day of September, 1721, *Be it further enacted* by the authority aforesaid, That such part of the said Act which enacts that no cause exceeding forty shillings sterling, or ten pounds this currency, shall be heard and finally determined by a Justice of Peace, is hereby declared to be repealed. A former Act repealed.

THOS. BROUGHTON, *Speaker.*

Charlestown, Council Chamber, March 11, 1726.

Assented to : AR. MIDDLETON.

See No. 438.

AN ACT for cutting and clearing a Creek, commonly called Biggon Creek. No. 517.

(Passed March 11, 1726. *See last volume.*)

AN ORDINANCE for the adjournment of the General Sessions. No. 518.
(Passed March 11, 1726. The original not now to be found.)

AN ACT TO PRESERVE THE NAVIGATION AND FISHERY IN THE SEVERAL RIVERS AND CREEKS IN THIS PROVINCE. No. 519.

WHEREAS, by the ill practice of cutting down and falling trees in several rivers and creeks in this Province, the navigation has been much obstructed, and the clearing of several serviceable creeks rendered very difficult, we therefore pray your most sacred Majesty, that it may be enacted, Preamble.

I. *And be it enacted* by the Honourable Arthur Middleton, Esq., President and Commander-in-chief of the Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council, and Commons House of Assembly, and by the authority of the same, That if any person or persons shall cut down, throw or fall, or cause to be cut down, thrown or fallen into any river or navigable creek or cut in this Province, any timber or trees, and shall leave the said timber or trees in such river, creek or cut, for the space of eight and forty hours, shall forfeit the sum of five pounds current money for every tree so cut down and left as aforesaid; provided the same be proved by the oath of any one credible person, before any one of his Majes- Penalty for obstructing creeks, &c.

A. D. 1726.

Penalty for
poisoning a
creek.

ty's justices of peace in this Province, to be recovered as is hereafter directed.

II. And whereas many persons in this Province do often use the pernicious practice of poisoning the creeks in order to catch great quantity of fish by poisoning, by which means many fish that escape, as well as the fry, are destroyed, and is of very great prejudice to the fishery; to prevent therefore such ill practices for the future, *Be it enacted* by the authority aforesaid, that in case any white persons by any means shall poison any creek in this Province, he or they upon proof made thereof before any of his Majesty's justices of the peace in this Province, shall forfeit the sum of ten pounds current money; and in case any slave or slaves be proved guilty of the same, by the evidence of any other slave before any such justice of the peace, such justice is hereby empowered to order the said slave or slaves so convicted as aforesaid, to be publicly whipped, not exceeding thirty-nine lashes.

How to recover
fines.

III. *And be it further enacted* by the authority aforesaid, That the fines and forfeitures of this Act shall be levied and recovered by the warrant of any magistrate, directed to any lawful constable, on the goods of the offender, he returning the overplus, and to be disposed of one half to the informer, and the other half to the poor of the parish where the offence was committed.

THOS. BROUGHTON, *Speaker.*

Charlestown, Council Chamber, March 11, 1726.

Assented to by AR. MIDDLETON.

No. 520.

**AN ACT TO REVIVE AND CONTINUE THE SEVERAL ACTS THEREIN
MENTIONED.**

WHEREAS, several wholesome and beneficial temporary laws of this Province are expired, or near expiring, we humbly pray your most sacred Majesty that it may be enacted,

I. *And be it enacted* by the honourable Arthur Middleton, Esq. President, &c. by and with the advice and consent of his Majesty's honourable Council and the Assembly of this Province, and by the authority of the same, That an Act entitled an Act for the better settling and regulating the militia, ratified the second day of September, in the year of our Lord one thousand seven hundred and twenty-one; and one other Act, entitled an Act for the better regulating the Indian trade, and for appointing a commissioner for that purpose, and to survey and supervise the garrisons, ratified the seventeenth day of April, in the year of our Lord one thousand seven hundred and twenty-five; and one other Act, entitled an Act for granting to his Majesty a duty and imposition on negroes, liquors, and other goods and merchandizes, for the use of the publick of this Province, ratified the twenty-third day of February, in the year of our Lord one thousand seven hundred and twenty-two, except such part and so much of the said Act, as lays a duty on European goods imported; and one other Act, entitled an Act to raise and appropriate a fund of money to erect a building in Charlestown, to hold and contain the publick arms of this Province, ratified the first day of June, in the year of our Lord one thousand seven hundred and twenty-five—be, and are hereby declared to be revived

and continued, and enacted to be of full force and virtue, for, and during, and unto the full term and time of one year after the passing of this Act, and from thence to the end of the first session of the next General Assembly after, and no longer.

A. D. 1726.

THO. BROUGHTON, *Speaker*.

Charlestown, April 30, 1726.

Assented to: AR. MIDDLETON.

AN ACT FOR THE ENCOURAGEMENT OF KILLING AND DESTROYING BEASTS OF PREY.

No. 521.

WHEREAS, considerable damage is yearly sustained by the inhabitants of this Province, by the mischief done by beasts of prey, to prevent therefore, as much as possible such mischief, and that due encouragement may be given for destroying such beasts, we pray your most sacred Majesty that it may be enacted,

I. *And be it enacted* by the Honourable Arthur Middleton, Esq. President and Commander-in-chief of the Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council and the Assembly of this Province, and by the authority of the same, That in case any white person or persons, by themselves or slaves, shall destroy and kill any wolf, tyger or bear, shall have and receive from the publick treasury of this Province, for each such beast, the sum of twenty shillings current money; and for every wild cat the sum of ten shillings like current money; the head of such beast being first brought to the next justice of the peace, they upon their oath declaring they killed the same, which said head so brought, shall be by him burnt or their ears cut off; and the publick treasurer for the time being, is hereby required and directed to pay the same accordingly, upon such justice drawing a note on him for that purpose; and every Indian for killing every wolf or tyger, shall have for each twenty shillings, and for each wild cat ten shillings, to be paid by the justice before whom it shall be made appear that the Indian killed such beast, or to give such Indian an order on the receiver general for such sum, who is hereby required to pay the same; and the heads of the said beasts to be burnt or their ears cut off by the said justice; and the publick treasurer is hereby required and directed to reimburse the justice such sums of money as he shall pay to any Indian in pursuance of this Act.

THO. BROUGHTON, *Speaker*.

Charlestown, Council Chamber, 11th day of March, 1726.

Assented to: AR. MIDDLETON.

Repealed by temporary Act, No. 18, §3.

AN ACT to empower commissioners to lay out and keep in repair a road from Westo Savanna into Pon Pon road. No. 522.

(Passed 11th March, 1726. *See last volume.*)

A. D. 1726.

No. 523.

AN ACT FOR THE BETTER SECURING THIS PROVINCE FROM NEGRO INSURRECTIONS, AND FOR ENCOURAGING OF POOR PEOPLE BY EMPLOYING THEM IN PLANTATIONS.

Preamble.

WHEREAS, nothing will tend more to the advantage of this Province, than employing industrious labouring men in the several plantations, and will be a great encouragement to such persons to transport themselves from Great Britain and other parts, when they are sure of employment upon their arrival, we therefore pray your most sacred Majesty that it may be enacted,

Every owner of plantation or cow-pen possessed of negroes to keep a white man thereon.

I. *And be it enacted* by the Honourable Arthur Middleton, Esq. President and Commander-in-chief of the Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council, and the Assembly of this Province, and by the authority of the same, That every owner of a plantation or cow-pen, who is possessed of any negroes or other slaves, shall be obliged to keep and maintain one white man on such plantation or cow-pen, and every person possessed of twenty negro men, shall be obliged to keep and maintain on his plantation two white men, and for every ten negro men any person shall be possessed of over and above twenty negro men as aforesaid, such person shall be obliged to keep and maintain one white man, and that the master or manager of every such plantation that he or they shall actually reside on, shall be reckoned and allowed as one of the white men hereby directed to be provided.

Persons liable by act of 18th Dec. to pay a fine for not having a white man, the same shall be deemed satisfaction.

II. *And be it further enacted*, That if any person shall be liable by an Act entituled an Act for the better settling and strengthening this Province, passed the eighteenth day of December, one thousand seven hundred and twenty and five, to pay a fine for not having a white servant or servants, pursuant to the said law, the said forfeiture shall be deemed and taken as a satisfaction for so many white servants which by this law he is obliged to keep and maintain; provided always, that this Act, nor any thing therein contained, shall be construed to extend to any persons possessed of large tracts of land, who are to find one white man for every two thousand acres, pursuant to an Act of the General Assembly of this Province, entituled an Act for the better settling and strengthening of this Province, passed the eighteenth day of December, one thousand seven hundred and twenty and five, where such persons have not more than ten slaves as aforesaid, for every such two thousand acres of land.

Persons disobeying this act.

III. *And be it enacted* by the authority aforesaid, That every person and persons that at any time together for and during the space of three months, shall be without a white man or white men on his or their plantation, according to the directions of this Act, he or they shall forfeit the sum of ten pounds current money, for every three months they shall be without a white man or white men, the one half to the informer, the other half to the church wardens of the parish where the offence shall be committed, and so proportionably for a greater or lesser time, (provided always nevertheless, that in case of the death or running away of such white person, the master shall have one month to provide themselves with another,) to be levied on their goods and chattles by warrant of distress, from any of his Majesty's justices of the peace in this Province, directed to any lawful constable to execute the same; and that this Act shall not take place till one year after the ratification thereof.

THOS. BROUGHTON, *Speaker.*

Charlestown, Council Chamber, March 11, 1726.

Assented to: AR. MIDDLETON.

A. D. 1727.

AN ACT to establish a Ferry from the landing of Mr. J. Godfrey across Pon Pon river. No. 524.

(Passed 11th of March, 1726. *See last volume.*)

AN ACT for raising the sum of twenty-seven thousand four hundred and fifty-two pounds three shillings and two pence half-penny, for defraying the charges of the Government for one year, commencing the twenty-ninth day of September, one thousand seven hundred and twenty and six, and ending the twenty-ninth day of September, one thousand seven hundred and twenty and seven. No. 525.

(Passed 11th March, 1726. Expired. The original not now extant.)

AN ACT for the better settling of the Courts of Justice. No. 526.
(Passed 11th of March, 1726. Repealed by the Queen in Council, 21st July, 1732. See Trott's laws, page 472. The original not now extant.)

AN ACT for carrying on several expeditions against our Indians and other enemies, and for defraying the charges thereof. No. 527.
(Passed September 30, 1727. The original not now extant. Expired.)

AN ACT for appointing a Commissioner for managing the affairs of the Indians and for supervising the garrisons, in the room of Col. Geo. Chicken, deceased. No. 528.
(Passed 30th September, 1727. Repealed by temporary Act No. 13, §26. The original not now extant.)

There are no Acts to be found for the year 1728.

AN ACT establishing an agreement with seven of the Lords Proprietors of Carolina, for the surrender of their title and interest in that Province to his Majesty. 2nd. Geo. II. 1729. No. 529.
(*Inserted in volume one.*)

I can find no Legislative Document of the Provincial Assembly for the year 1729, save a minute of proceedings respecting the right of the Assembly or of the Governor to choose a Clerk of the House, (10th Jan. 1729,) which ended in the Governor's proroguing the Assembly to the 17th day of March, then next ensuing. I can find no Act of Assembly of 1730—Ed.

A. D. 1731.

No. 530. *AN ACT* CONFIRMING AND ESTABLISHING THE ANCIENT AND APPROVED METHOD OF DRAWING JURIES BY BALLOT, IN THIS PROVINCE, AND FOR THE BETTER ADMINISTRATION OF JUSTICE IN CRIMINAL CAUSES, AND FOR APPOINTING OF SPECIAL COURTS FOR THE TRIAL OF THE CAUSES OF TRANSIENT PERSONS, DECLARING THE POWER OF THE PROVOST MARSHAL, FOR ALLOWING THE PROOF OF DEEDS BEYOND THE SEAS AS EVIDENCE, AND FOR REPEALING THE SEVERAL ACTS OF THE GENERAL ASSEMBLY THEREIN MENTIONED.

Preamble.

WHEREAS, by the ancient, known and fundamental laws and constitution of the kingdom of Great Britain, none of his Majesty's subjects shall be taken or imprisoned, or disseized of his freehold, liberty or free customs, or shall be out-lawed, exiled or otherwise destroyed, or shall any judgment pass upon him without lawful trial of a jury by his Peers: and whereas the equal, indifferent and impartial method of drawing juries by ballot, used and approved in this Province for many years past, hath greatly contributed to the due and upright administration of justice, and is the surest means to continue the same; we therefore pray your most sacred Majesty, that it may be enacted,

Directions for the formation of Juries.

I. *And be it enacted* by his Excellency Robert Johnson, Esq. Governour, Captain General and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council, and the Assembly of this Province, and by the authority of the same, That the several persons whose names are contained in the several schedules hereunto annexed, and no other person or persons whatsoever, shall be drawn by ballot, impannelled, summoned and obliged to serve as jurymen at the several courts hereafter mentioned, and in such manner and form as is herein after directed and prescribed, that is to say, that the several persons whose names are mentioned in the first schedule or list hereunto annexed, entitled a list of grand jurymen, shall be drawn by ballot, impannelled, summoned and obliged to serve on all grand juries at the court of general sessions of the peace, oyer and terminer, assize and general goal delivery, to be holden in Charlestown; and the several persons whose names are inserted in the second schedule or list hereunto annexed, entitled a list of petit jurymen, shall be drawn by ballot, impannelled, summoned and obliged to serve on all juries and inquests whatsoever, at any of the courts of record that shall at any time hereafter be holden at Charlestown, in this Province; and the several persons whose names are inserted in the third schedule or list hereunto annexed, entitled a list of special jurymen, being inhabitants of the parish of St. Philip's, Charlestown, shall be drawn by ballot, impannelled, summoned and obliged to serve on all juries and inquests at all special courts hereafter to be holden in this Province.

Directions for a box wherein the names of the jurymen are to be put up.

II. *And be it further enacted* by the authority aforesaid, That the chief justice of this Province shall within fifteen days next after the passing of this Act, cause to be written on small pieces of parchment or paper, of an equal size and bigness, the names of all the persons hereby appointed to serve as jurymen, and having first diligently compared them with the lists or schedules hereunto annexed, shall cause them to be put into a box or chest, to be prepared for that purpose, with six divisions made therein, with the number of each division marked upon the cover thereof, observing the method following, that is to say, the names of all the persons men-

tioned in the schedule hereunto annexed, entitled a list of grand jurymen, shall be put into the division in the said box numbered one; and the names of all the persons mentioned in the schedule or list hereunto annexed, entitled a list of petit jurymen, shall be put into the division of the said box numbered three; and the names of the persons mentioned in the schedule or list, entitled a list of special jurymen, shall be put into the division in the said box numbered five.

A. D. 1731.

III. *And be it further enacted* by the authority aforesaid, That the said chief justice for the time being, in the presence of the persons hereafter appointed by this Act, shall cause to be drawn by a child under the age of ten years, out of the division of the aforesaid box or chest numbered one, the names of thirty persons to serve as grand jurymen at every court of general sessions of the peace, oyer and terminer, assize and general goal delivery, hereafter to be holden in the Province, beginning at the division numbered one, and drawn out of the said division till the names therein are all drawn out, and the said names so drawn out of the said division numbered one, shall be put into the division numbered two, and then all the names of the said division numbered two, shall be drawn out of the same, and again returned into the division numbered one, and when all the said names are so drawn out of the division numbered two, and returned as aforesaid, into the said division numbered one, the said chief justice, in the presence of the persons hereinafter named, shall cause the same names to be drawn again out of the said division numbered one and two, and shall always continue to do the same alternately and successively in the same order and method; and the said chief justice for the time being, shall in like manner cause to be drawn out of the division in the said box or chest numbered three, the names of forty-eight persons to serve as petit jurymen at the said court of general sessions of the peace, oyer and terminer, assize and general goal delivery, beginning at the division numbered three, and drawing out of the said division until the names are all drawn, and then shall return all the said names into the division numbered four, and when the names are so drawn out and returned into the division numbered four, shall cause the names contained in the said division numbered four, to be drawn out of the same, and returned again into the division numbered three, and shall always after continue to draw the said names out of the said divisions numbered three and four, alternately and successively in the same method and order.

Method of drawing jurors..

IV. *And be it further enacted* by the authority aforesaid, That the said chief justice for the time being, shall in the presence of the persons hereafter appointed, cause the clerk of the Crown for the time being, diligently to enter the name of every juror as he shall be drawn, into two distinct pannels or columns in the sessions book, the grand jurors in one pannel or column, and the petit jurors in the other; and the said clerk of the Crown shall annex a pannel or roll of the names of the said jurors, fairly and exactly transcribed from the said sessions book, to the writ of *Venire Facias* to be issued for summoning the said jurors, in the mandatory part of which said writ of *Venire Facias* shall be inserted these words following, to wit, the several persons named in the pannel to this writ annexed; and the said clerk of the Crown shall forthwith deliver the said writ with the pannel annexed, to the provost marshal for the time being, in order to summons the jurors therein named, to be and appear at the said Court of General Sessions of the peace, oyer and terminer, assize and general goal delivery, to be holden at the time by law appointed next after the teste of the said writ.

The Clerk of the Crown to enter the names drawn in the sessions book, annex them to the writ of *Venire facias* and deliver them to the Provost Marshal.

A. D. 1731.

Time of drawing the jury to serve at the General Sessions.

V. And to the end that all persons whatsoever may have due notice when the said juries are to be drawn to serve at the said Court of General Sessions of the peace, oyer and terminer, assize and general goal delivery, and that all persons may be satisfied that the said juries are fairly, indifferently and impartially drawn, according to the true intent and meaning of this Act, *Be it further enacted* by the authority aforesaid, That the jury to be drawn to serve at the General Sessions of the peace, oyer and terminer, assize and general goal delivery, appointed to be holden on the third Wednesday in October, shall be drawn at the usual place of judicature in Charlestown, on every second Tuesday in May next before the holding the said Court, and before the sitting of the Court of Common Pleas; and the jury to be drawn to serve at the General Sessions appointed by law to be holden on the third Wednesday in March, shall be drawn at the same place on every second Tuesday in November next before the holding of the said Court, and before the sitting of the Court of Common Pleas; and publick notice when the said jury is to be drawn, shall be given by the beat of drum in the four most publick streets in Charlestown, on the same day the said jury is to be drawn.

Twenty-three persons out of 30 summoned, shall serve as a Grand Jury.

VI. *And be it further enacted* by the authority aforesaid, That in case above the number of twenty-three persons out of the number of thirty, summoned to serve as grand jurymen, shall appear at the said Court of General Sessions of the peace, oyer and terminer, assize and general goal delivery, the names of the persons so appearing, after the defaulters have been called and fined as in this Act is hereafter directed, shall be put in a separte box or glass, and the first twenty-three persons that shall be drawn by a child under the age of ten years, as is before directed, shall serve as grand jurors at the said Court.

Twelve as Petit Jury-men.

VII. *And be it further enacted* by the authority aforesaid, That the names of the persons who shall have been duly summoned, and shall appear to serve as petit-jurors, at the said Court of General Sessions of the peace, oyer and terminer, assize and general goal delivery, after the defaulters have been called and fined as aforesaid, shall also be put in a distinct and separate box or glass, and out of the names of the persons so summoned and appearing, the chief justice for the time being shall cause twelve persons to be drawn by a child under the age aforesaid, and the persons so drawn shall serve on all trials at such Court; but in case any of the jurors so drawn shall be challenged, and the challenge allowed, or shall absent themselves, or neglect to attend, that then the names of other persons shall be drawn out of the said box or glass to fill up and compleat the said jury.

The same method to be observed in drawing Jurors to serve at the Courts of Common Pleas.

VIII. *And be it further enacted* by the authority aforesaid, That the chief justice for the time being, shall cause to be drawn out of the divisions in the aforesaid box or glass numbered three and four, thirty persons to serve as jurors at every Court of Common Pleas, to be hereafter holden at Charlestown, and shall observe the same order and method in drawing the names of the said persons as is herein directed for drawing petit jurymen at the Court of General Sessions of the peace, oyer and terminer, assize and general goal delivery.

Their names to be returned to the Provost Marshal.

IX. *And be it further enacted* by the authority aforesaid, That the said chief justice for the time being, shall in the presence of the persons hereinafter named, cause the clerk of the Court of Common Pleas diligently to enter the names of every juror as he shall be drawn, into the docket or Court book wherein are usually entered the proceedings of the said Court of Common Pleas, and shall cause the said clerk to annex a pannel or roll of the names of the jurors, fairly and exactly transcribed

from the said court book, to the writ of *Venire Facias*, in the mandatory part of which said writ of *Venire Facias*, instead of the words, twelve free and lawful men of the vicinage, shall be inserted these words following, to wit, the several persons named in the pannel to this writ annexed; and the said clerk of the said court of common pleas, shall forthwith deliver the said writ, with the said pannel or roll annexed, unto the provost marshal for the time being, in order to summons the jurors therein named, to be and appear at the Court of Common Pleas to be holden at the time by law appointed, next after the teste of the said writ; and all juries hereafter to be drawn to serve at the Court of Common Pleas, shall be drawn on the last day of the sitting of every court, and the jury then drawn shall serve at the court then next ensuing.

A. D. 1731.



X. *And be it further enacted* by the authority aforesaid, That after the defaulters have been called and fined in the manner as is herein after directed and appointed, the names of the persons who shall have been duly summoned and shall appear to serve as jurors at the said court of common pleas, shall be put into a distinct and separate box or glass, and out of the persons so summoned and appearing, the said chief justice for the time being, shall cause a jury consisting of twelve persons, to be drawn by a child under the age of ten years, and the jury so drawn shall try all causes that are to be tried at such court; and in case any of the jurors so drawn shall be challenged, and the challenge allowed, or shall absent themselves or neglect to appear after they are so drawn, that then other persons shall be drawn out of the said box or glass, to fill up and compleat the said jury.

Out of persons summoned and appearing, 12 shall be drawn.

XI. *And be it further enacted* by the authority aforesaid, That the number of thirty persons to serve as jurors at special courts of common pleas hereafter appointed, shall be drawn out of the divisions in the aforesaid box or chest numbered five and six, and the same order and method shall be observed in drawing, balloting, impannelling and summoning the said juries for special courts, as is herein directed and prescribed for drawing, balloting, impannelling and summoning the juries for the court of common pleas.

Method of balloting juries for a special Court.

XII. *And be it further enacted* by the authority aforesaid, That the provost marshal for the time being, shall make due return of all writs of *Venire Facias*, to the respective courts from which such writs shall issue, and in such return shall specially and distinctly set forth the names of all such persons as he hath summoned by virtue of such writ or writs, and the time when such summons was served, and also the names of the persons that he hath not summoned, together with the causes why such persons were not summoned, pursuant to the command of the writ or writs to him directed, on pain of being grievously amerced, to the truth of which return the said marshal, his deputies, or one of them, as the case shall require, shall make oath.

The Provost Marshal to make return of all writs.

XIII. *And be it further enacted* by the authority aforesaid, That the clerk of the crown and the clerk of the court of common pleas for the time being, respectively, shall make due entries and records in their respective books, of the appearance of all jurors, and also shall enter and record the names of those who shall make default in appearing; and that the said clerks respectively, shall record the names of the jurors that shall be drawn to try each cause, under the title of each cause, which said record or entry shall be a warrant to enter the postea and verdict of the jurors in any causes tried.

Clerks of the Crown and Court of Common Pleas, what entries they shall make in their books.

XIV. And to prevent any person's being drawn out of course, contrary to the true intent and meaning of this Act, *Be it further enacted* by the

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Where the
names of the
persons drawn
are to be kept.

authority aforesaid, That the names of all the persons who shall be drawn out of the several divisions in the aforesaid box or chest, shall be kept separately and distinctly sealed up with the seals of the persons herein after named, and shall be put into the divisions numbered two, four and six, and one, three and five, respectively, as the case shall require; that is to say, the names drawn out of the division numbered one, into the division numbered two; and the names drawn out of the division numbered three, into the division numbered four; and the names drawn out of the division numbered five, into the division numbered six; and the names drawn out of the division numbered two, into the division numbered one; and the names drawn out of the division numbered four, into the division numbered three; and the names drawn out of the division numbered six, into the division numbered five—which shall be and continue to be done at the drawing of all juries to serve at the courts aforesaid respectively.

Penalty on a
juror not ap-
pearing or
refusing to act.

XV. *And be it further enacted* by the authority aforesaid, That if any person who shall be drawn, impanelled, summoned and returned to serve as a juror at any of the courts aforesaid, according to the direction of this Act, shall neglect or refuse to appear, or after appearance shall refuse to act, or shall absent himself without leave of the court, that then and in such case it shall and may be lawful for the chief justice for the time being to fine such person in the sum of forty shillings proclamation money and issues, unless such person can shew good and sufficient cause of excuse, to be proved to the satisfaction of the said chief justice, within forty days after the first day's sitting of the respective courts herein before mentioned; which said forfeitures shall be levied by warrant of distress, under the hand and seal of the said chief justice, and sale of the offender's goods, or by an attachment against the body of such offender.

Fine on the
provost marshal
for neglect.

XVI. *And be it further enacted* by the authority aforesaid, That the provost marshal, or his lawful deputy, shall serve a summons in writing, under his hand, on each juryman, expressing the time and court at which he is to appear, and whether he is to serve as a grand or petit juryman or juror of the common pleas; and the said provost marshal shall serve such summons personally on each juryman, or shall leave such summons at his dwelling-house or most usual place of residence, at least fifteen days before the sitting of each court; except special courts of pleas, in which case two days shall be deemed sufficient notice; and every summons served in the manner herein before directed, and no other, shall be deemed and judged a good and sufficient summons.

Jurors to have
15 days notice.

XVII. *And be it further enacted* by the authority aforesaid, That if the provost marshal or his deputy (for whom the said provost marshal shall answer) shall summons any person whatsoever to appear to serve as a juryman at any court in this Province, whose names shall not be inserted in the pannel annexed to the writ of *venire facias* to the said marshal directed, or shall return any person as summoned who hath not been duly summoned, according to the directions of this Act, the chief justice for the time being, on examination and due proof of the matter, in a summary way, in open court, is hereby authorized and empowered to set a fine on the said provost marshal, in the sum of forty shillings proclamation money, to his Majesty, for the use of this Province, to be recovered by warrant of distress under the hand and seal of the said chief justice, and sale of the offender's goods.

What persons
are exempted
from serving on
juries.

XVIII. *And be it further enacted* by the authority aforesaid, That all persons who heretofore have been, now are, or hereafter shall be, members of his Majesty's honourable Council, Judges or assistant Judges in any of the courts of this Province, and all members of the Assembly and officers

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of any the courts of justice, during the time they shall be members, and during their continuance in such offices, and all persons exempted by the laws and statutes of Great Britain, shall be exempted and excused from serving on juries in this Province; and all challenges and exceptions to jurors shall be allowed and admitted as are allowed and admitted by the laws of Great Britain, except the challenge to the array, in respect of partiality, affinity or consanguinity of the provost marshal.

XIX. *And be it further enacted* by the authority aforesaid, That in case any person shall be drawn to serve as a grand jurymen and afterwards shall be drawn on the petit jury, to serve at the same court, the name of the person so drawn on the petit jury shall be laid by for that time, and another shall be drawn in his room, and he shall only serve as a grand jurymen at such court.

XX. *And be it further enacted* by the authority aforesaid, That the box or chest containing such divisions for holding the names of jurors, as by this Act is directed and appointed, shall have three several locks and three several keys, and one key shall be kept by the chief justice of this Province for the time being, the other by the publick treasurer of this Province for the time being, and the third by the coroner of Berkley county for the time being; and the said box or chest shall never be opened, nor shall any jury whatsoever ever be drawn or impannelled but in their presence, except in the case of death, sickness or some unavoidable accident occasioning their absence, in which case the key or keys appointed to be kept by the person or persons absent, shall be committed to and remain in the care of one or more of the assistant judges of the court in Charlestown, during the absence of such person or persons; and the said assistant judge or judges are hereby invested with the same powers and authorities during the absence of such person or persons, to all intents and purposes, relating to the drawing and impannelling of juries, as the chief justice, publick treasurer, or coroner of Berkley county could or might have if personally present.

XXI. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful to and for the said chief justice, publick treasurer, and coroner of Berkley county, to tear and destroy the rolls or pieces of paper that shall be drawn, wherein are contained the names of any persons who shall die or depart from this Province.

XXII. *And be it further enacted*, That it shall and may be lawful for the said chief justice, publick treasurer and coroner of Berkley county, once at the end of every three years after passing of this Act, to make and appoint a new list of jurymen, to serve at the several courts herein before mentioned, observing the order and method following: that is to say, they shall transcribe from the tax list of the preceding year, which shall remain in the office of the publick treasurer, the name of every person who shall have paid the sum of twenty shillings current money or upwards for his tax last preceding, and out of the persons who shall have paid the sum of five pounds current money or upwards for their last preceding tax, they shall make a list of grand jurors, and shall put their names in the manner by this Act directed into the division numbered one; provided nevertheless, that the number of the grand jurors do not exceed one half of the number contained in the list of the petit jurors: and all the names of the persons who shall have paid the sum of twenty shillings or upwards for their tax as aforesaid, that shall remain after the list of the grand jurors shall be perfected, shall be put in the manner by this Act before directed into the division numbered three, and shall be drawn to serve as petit jurymen as before in this Act directed; and all the names of all the persons

Care of the jury box.

Persons dying or departing.

A new list to be made at the end of three years.

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who shall pay the tax above mentioned, and shall be inhabitants of the parish of St. Philip's, Charlestown, shall in like manner be put into the division numbered five, and shall serve as jurymen at special courts, as in this Act is before directed. Provided nevertheless, that nothing herein contained shall be construed or extend to give the said chief justice, treasurer, or coroner of Berkley county, any power or authority to appoint any new list of jurymen, if the General Assembly, at any time during the space and before the end of any of the said terms of three years, shall appoint and establish any new list or lists of jurymen; but the said chief justice, publick treasurer, and coroner of Berkley county, shall only have power to appoint such new lists in case the General Assembly shall not think fit to appoint any new lists during the space or before the end of the said terms herein before appointed for doing the same; provided also, that all persons who are named in the lists hereto annexed, shall remain in their respective divisions, if they shall be alive and in this Province.

Juries summoned on special occasions.

XXIII. *And be it further enacted* by the authority aforesaid, That the chief justice and justices of the peace for the time being, shall and are hereby impowered to summons any jury or juries on special occasions, for inquests of office, inquests on forcible entrys and detainers, and other special inquests; the said juries shall be drawn out of the division numbered five or six, in manner herein before directed, on application made by the persons before whom such inquests are to be taken, to the said chief justice and justices of the peace for the time being, and notice given at the most publick place in Charlestown, of the time and place when and where such jury or juries are to be drawn, at least six days before such jury or juries shall be drawn; and the same method and order shall be observed in drawing, impanneling and summoning such juries, as is herein before directed and appointed for drawing, summoning and impanneling juries at special courts; and no juries or inquests (except coroner's inquests) shall be drawn in any other manner whatsoever.

Penalty on the treasurer or coroner for neglect of duty.

XXIV. *And be it further enacted*, That in case the said publick treasurer, or coroner of Berkley county, shall neglect or refuse to give due attendance to draw and impanel any jury appointed by this Act to be drawn and impaneled, when they shall receive notice and a summons from the chief justice, justices of the said court, or justices of the peace for the time being, for that purpose, (which notice and summons the said chief justice, justices of the said court, or justices of the peace for the time being, is hereby authorized and required to issue as often as there shall be occasion,) that then the said publick treasurer and coroner of Berkley county, and each of them, shall respectively forfeit the sum of ten pounds proclamation money to his Majesty, for the use of this Province, for every such neglect or refusal, for the recovery whereof the said chief justice may issue an attachment as for a contempt or disobedience of a rule of court.

Penalty on the Marshal.

XXV. *And be it further enacted* by the authority aforesaid, That in case the provost marshal shall neglect to summons any person named or inserted in the pannel annexed to any writ or writs of *venire facias* that shall be hereafter to him directed, it shall and may be lawful for the chief justice to set a fine on the said provost marshal for every person so neglected to be summoned according to the directions of this Act, in any sum not exceeding forty shillings proclamation money, to be recovered by warrant of distress, under the hand and seal of the said chief justice, and sale of the said provost marshal's goods, to his Majesty, for the use of this Province.

XXVI. *And be it further enacted* by the authority aforesaid, That the several persons whose names are mentioned and contained in the lists or schedule hereunto annexed, and all persons who hereafter shall be named and appointed to serve as jurymen by the General Assembly, or by virtue of any power or authority given to any person or persons by this Act, shall be deemed and taken to be qualified to serve and act as jurymen on all trials and inquests whatsoever, whether the same inquests and trials are directed and appointed to be had and taken by virtue of the common law or any acts or statutes made in the kingdom of Great Britain, extended to and made of force in this Province; notwithstanding that the persons named in the lists or schedules to this Act annexed, or the persons who shall be hereafter named and appointed to serve as jurymen by the General Assembly, or by virtue of any power or authority given to any persons by this Act, have not such qualifications as to lands and tenements, as in the said laws, acts and statutes are particularly required: Provided nevertheless, that this Act shall not be construed or extend to debar or preclude any person from their lawful challenges and exceptions to the said jurors in any other respect.

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Persons qualified for jurors.

XXVII. *And be it further enacted* by the authority aforesaid, That in case it shall happen at any of the courts herein before mentioned, a sufficient number of jurors shall not appear of those who are named in the pannel annexed to the *Venire Fucias*, it shall and may be lawful for the chief justice to order the number that are wanting to be drawn by ballot out of the divisions numbered five or six; and in case of challenges or non appearance, to draw others out of the said divisions, till the jury shall be completely filled.

Absence of jurors.

XXVIII. And whereas, his late Majesty King Charles the Second, by his royal charter granted to the late Lords Proprietors of this Province, did give full power and authority to the said late Lords Proprietors to grant liberty of conscience and indulgence to the inhabitants of this Province; and whereas, the General Assembly of this Province, by several Acts, have enacted that all his Majesty's protestant subjects should enjoy the full and free liberty of their consciences, and have indulged such of the inhabitants as scrupled to take an oath, by their laying their hand on the holy evangelists, to make a solemn declaration according to the form of their profession, the last of which said Acts has been confirmed by the late Lords Proprietors, pursuant to the powers and authorities given and granted to them by the royal charter, under which encouragement many of his Majesty's good and faithful Protestant subjects, of scrupulous consciencies, have come and settled in this Province, and have for many years past freely and quietly enjoyed the said toleration and indulgence of declaring the truth according to the form of their profession, granted and confirmed to them as aforesaid, *Be it further enacted* by the authority aforesaid, That any person who shall appear in any of the courts of justice, or before any judge or magistrate in this Province, either as juror, witness, party or otherwise, in any cause, civil or criminal, and shall make a solemn and conscientious declaration and affirmation, according to the form of his profession, in any matter, cause or thing wherein an oath is required by law, such solemn and conscientious declaration and affirmation shall be deemed, held and judged and taken as valid and effectual, to all intents, constructions and purposes whatsoever, as if such person had taken an oath on the holy evangelists of Almighty God; and that all and every such person and persons as shall be convicted of falsely and corruptly affirming and declaring any matter and thing, which if the same had been an oath taken on the holy evangelists, would by law amount to wilful and corrupt

A solemn affirmation in court shall be as valid as an oath.

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An oath to be taken by the persons herein named, for the due execution of this Act.

perjury, shall incur the same penalties, disabilities and forfeitures as persons convicted of wilful perjury do incur by the laws of Great Britain.

XXIX. *And be it further enacted* by the authority aforesaid, That the chief justice for the time being, the assistant judges of the court of Charlestown for the time being, the publick Treasurer for the time being, the coroner of Berkley county for the time being, the clerk of the crown, the clerk of the court of common pleas, the provost marshal for the time being, and all other officers and persons whatsoever, who are any ways concerned in the drawing, balloting, impannelling or summoning of juries, shall within 20 days after passing this Act, take a solemn oath for the due and faithful execution of this Act, and that they will truly, diligently and uprightly put the same in execution; and all succeeding chief justices, judges and assistant judges of any of the courts of law in this Province, publick treasurers, coroners of Berkley county, clerks of the crown, clerks of the courts of common pleas, and provost marshal, and all other officers who shall or may hereafter be any ways concerned in drawing, balloting, impannelling or summoning of juries, shall severally take such oath before they enter on the execution of their several and respective offices, before the Governour or Commander-in-chief of this Province for the time being, or before such other person or persons as by him or them shall be lawfully authorized to administer such oath, on pain of being rendered incapable of holding and enjoying their respective offices, and also the forfeiting the sum of one hundred pounds proclamation money, to his Majesty, for the use of this Province.

A Court of general sessions to be established in Charlestown.

XXX. And whereas, it is absolutely necessary for preserving the peace, tranquility and good government of this Province, that a court should be established and invested with proper and ample powers to execute justice in criminal causes in this Province, *It is therefore further enacted* by the authority aforesaid, That from henceforth there shall be erected, established and holden in Charlestown, in this Province, a court of record, by the name and stile of the Court of General Sessions of the Peace, Oyer and Terminer, Assize and General Goal Delivery, and the said court shall always hereafter be holden before the Chief Justice of this Province for the time being, and two or more assistant judges, to be commissioned for that purpose by his Majesty, his heirs or successors, or by the Governour and Commander-in-chief of this Province for the time being; and the said court shall sit twice in every year, that is to say, on the third Wednesday in March, and on the third Wednesday in October, and shall adjourn *de die in diem*, until all trials and other business that is to be dispatched and transacted by juries shall be finished, and then the said court may adjourn to any further days or times for giving judgment, awarding, executing or doing any other lawful and necessary business belonging to the said court, about which the attendance of juries is not required by law.

Power, jurisdiction and authority of the said Court.

XXXI. *And be it further enacted* by the authority aforesaid, That the said court shall and lawfully may have, hold, use and exercise all and singular the powers, jurisdictions and authorities in all causes or matters capital or criminal arising within this Province, in as full and ample a manner to all intents and purposes whatsoever, as any judges or justices of the court of King's Bench, justices of assize, justices of oyer and terminer and goal delivery, or any court of general and quarter sessions of the peace, do, can or lawfully may have, hold, use, exercise and enjoy in the kingdom of Great Britain: Provided nevertheless, that this Act nor any thing herein contained shall extend or be construed to give any power or authority to the said court to execute or put in force any statute of Great

Britain wherein the Plantations in America are not particularly and specially named, or which do not by the intent or purview of such statute, extend to the said Plantations, or which is not extended or made of force here by the laws of this Province, or shall be hereafter so extended and made of force.

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XXXII. *And be it further enacted* by the authority aforesaid, That in case the assisting judges, or any of them, who shall be appointed to sit in the said court, shall happen to be absent, that then it shall and may be lawful to and for the chief justice for the time being, to hold the said court, and to exercise all the powers, jurisdictions and authorities given by this Act, in as full and ample manner, to all intents and purposes whatsoever, as if the said assistant judges were present and did sit in judgment with the said chief justice.

The assistant judges being absent, the chief justice may hold the said court.

XXXIII. *And be it further enacted* by the authority aforesaid, That in case any person shall be summoned by subpœna, or other lawful process, to appear to give evidence against any person at the Court of General Sessions aforesaid, and shall neglect to appear and give evidence according to such summons, shall forfeit the sum of ten pounds proclamation money, with such damages as shall occur to the plaintiff or defendant to such summons; or if any person so summoned or bound over by recognizance to give evidence, shall appear and refuse to give evidence in the said court, it shall and may be lawful for the said court to set a fine upon such offender, not exceeding the sum of one hundred pounds proclamation money, to his Majesty for the use of this Province, and may commit the offender till payment thereof be made, together with the lawful fees of such commitment: Provided, that this Act shall not extend to any person who shall be summoned or bound by recognizance to appear as a witness, to give evidence against any person who shall be accused, indicted, arraigned or tried for treason, felony or other capital offence, for which the offender, on conviction, is liable to suffer the pains of death, but that every witness who shall refuse or neglect to appear or give evidence in such case, shall be dealt with according to the order of the common law.

Penalty on witnesses not appearing.

XXXIV. *And be it further enacted* by the authority aforesaid, That in case any person shall hereafter commit any misbehaviour or contempt in the said court, or in any other court of judicature in this Province, by word or gesture, it shall and may be lawful for the judges of every such court to set a fine on such offender, in any sum not exceeding ten pounds proclamation money, to his Majesty for the use of this Province, and may commit the offender till payment as aforesaid; but if any person shall in the face, and during the sitting of the said court, so far forget the reverence and regard due to his Majesty's authority, as to strike or use any violence in the said court, that then every such person so offending, shall be fined at the discretion of the said courts, and shall be committed till payment.

Penalty for contempt of court.

XXXV. *And be it further enacted* by the authority aforesaid, That all Constables in this Province shall be appointed in such number and for such places as the chief justice for the time being, and the judges of the said court of General Sessions of the Peace, Oyer and Terminer, Assize and General Goal Delivery, shall from time to time in their discretion think fit.

Constables to be appointed.

XXXVI. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for the Governor and Commander-in-chief of this Province for the time being, and the said Governour or Commander-in-chief is humbly desired, upon the petition in writing of any transient person who hath not lived and resided in this Province above the space of

Special courts to be holden.

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three months, and upon oath made by such person that he intends to depart this Province, within the space of ten days after the preferring such petition, to order the chief justice for the time being, to hold a special court of common pleas, for hearing, trying and determining all causes wherein such transient person shall or may be concerned or interested. And the chief justice is hereby required to give due obedience to such order; and the said special court of common pleas shall sit *de die in diem* until all the causes wherein such transient persons are concerned or interested, shall be heard, tryed, and finally determined. And the said special court of common pleas is hereby authorized to make such summary rules and orders in such causes, as shall be agreeable to justice, and may tend and contribute to expedite such causes, notwithstanding the writ or other process shall or may be made returnable at any day that is to come after the time or times appointed for the sitting of the said special court of common pleas; and no judgment given in any such causes shall be arrested or stayed, for or by reason of any discontinuance or miscontinuance whatsoever; Provided, that all persons who are parties to any such causes or suits, have due and convenient notice of such rules and orders aforesaid, and have reasonable and convenient time allowed them to do and transact all matters that are necessary and allowable by law in the prosecution or defence of their respective suits.

Provost
marshal subject
to same pen-
alties as a sheriff
in G. Britain.

XXXVII. And whereas the provost marshal in this Province now is, and for many years last past hath been invested with and executed the several powers and authorities, and hath enjoyed, had, received and taken the same fees, perquisites, privileges, liberties and immunities as the sheriff, under sheriff and goal keeper, in the several countries in Great Britain, do hold, use, exercise and enjoy, and for that reason ought to undergo the same burthens and be subject and liable to the like penalties and forfeitures, *Be it therefore further enacted* by the authority aforesaid, That the provost marshal of this Province, for the time being, shall be subject and liable to all actions, suits, fines, forfeitures, penalties and disabilities whatsoever, which any sheriff, under sheriff or gailor is liable or subject to, or may incur by the laws and statutes of Great Britain, for and in respect of the escapes of prisoners, or for or in respect of any other matter or thing whatsoever, relating to or concerning their several and respective offices.

Publick Prison.

XXXVIII. *And be it further enacted* by the authority aforesaid, That the house of the provost marshal, or any other place which he shall publicly use and appoint for the keeping of prisoners, shall be held, deemed and adjudged in all respects and to all intents and purposes whatsoever, the publick and provincial goal in this Province, until a publick or provincial goal shall be built; and that the provost marshal for the time being, shall and may use and execute all the powers and authorities, and shall have and enjoy all the rights and priviledges which any sheriff, under sheriff or goaler in Great Britain may, can or ought to use, exercise, have or enjoy, in and about the ordering and keeping their respective goals, and for preventing the escapes of prisoners, or for or in respect of any other matter or thing concerning or relating to their several and respective offices, so far as the same are agreeable to the laws, usages and customs of this Province.

Statute 8th
and 9th of King
William III. to
be of force in
this Province.

XXXIX. *And be it further enacted*, That a statute made in that part of the kingdom of Great Britain, commonly called England, in the eighth and ninth years of the reign of King William the third, entitled an Act for the more effectual relief of creditors in cases of escapes, and for prevent-

ing abuses in prisons and pretended priviledged places, is hereby made of force, and required to be put in execution within this Province.

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XL. *And be it further enacted* by the authority aforesaid, That all exemplifications of records, and all deeds and bonds or other specialties, all letters of attorney, procuration or other powers in writing, and all testimonials, which shall at any time hereafter be produced in any of the courts of judicature in this Province, and shall be attested to have been proved upon oath under the corporation seal of the Lord Mayor of London, or of any other mayor or chief officer of any city, borough or town corporate in any of his majesty's dominions, or under the hand of the Governour and publick seal of any of his majesty's plantations in America, or under the notorial seal of any notary publick, shall be deemed and adjudged good and sufficient in law, in any of the courts of judicature in this Province, as if the witnesses to such deeds were produced and proved the same *viva voce*.

Proof of any deed, &c.

XLI. *And be it further enacted* by the authority aforesaid, That all the fines and forfeitures which shall arise and accrue by virtue of this Act, where the same are not particularly appropriated or disposed of, or the method of recovery appointed, shall be given one moyety thereof to his majesty, his heirs and successors, for the use of this Province, and the other moyety to him or them that will sue for the same, to be recovered by action of debt, bill, plaint or information, wherein no essoin, protection, priviledge or wager of law, or *non vult ulterius prosequi*, shall be admitted or allowed, or any more than one imparlance.

Fines, &c. how to be recovered and disposed of.

XLII. And whereas by an Act entitled an Act to provide indifferent jurymen in all causes civil and criminal, it is ordered and directed that a grand and petit jury shall be drawn out of the jury box the last day of the preceding sessions, which for want of a sufficient number in the box, and the box being broken open, could not be done, *Be it therefore enacted* by the authority aforesaid, That it shall and may be lawful for the chief justice, and he is hereby impowered and directed, to cause a grand and petit jury to be drawn, to serve at the said next sessions of oyer and terminer and general goal delivery, to be holden in Charlestown, the said third Wednesday in October next, and also a jury to serve at the next court of pleas, to be held the second Tuesday in October next, as soon as conveniently may be after the ratification of this Act, and that the lists are prepared, finished and put into the balloting box, to be drawn as is by this Act directed; and which grand and petit juries shall be held and deemed legal juries for trying and determining all such causes, civil and criminal, as shall be laid before them, any thing in this or any other law to the contrary notwithstanding. And no process or proceedings whatsoever, that now is, or was depending at the court of general sessions, assize and general goal delivery, holden on the third Wednesday in March last, and adjourned to the third Wednesday in October next, shall be discontinued or made void, but that all such process and proceedings as were then depending at the said court of general sessions, assize and general goal delivery, shall by force and virtue of this Act, be adjourned and continued to the said court of general sessions of the peace, oyer and terminer and general goal delivery, appointed by this Act to be holden on the said third Wednesday in October next ensuing, and shall then and there be proceeded on, heard and determined, in as full and ample a manner as if the said court of general sessions, assize and general goal delivery had been continued to be holden in the usual course. And the said court of general sessions of the peace, oyer and terminer, assize and general goal delivery, by this Act appointed, erected and established, are hereby fully authorized and impowered to

Grand and petit jury to be drawn.

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proceed on, hear and determine all causes, pleas, processes, matters and things whatsoever, which were depending at the said court of general sessions, assize and general goal delivery, on the said third Wednesday in March last, any law, usage or custom to the contrary in any wise notwithstanding.

Persons indicted for high treason or capital offences, to have a copy of their indictment and make defence by counsel.

XLIII. And whereas many innocent persons under criminal prosecutions may suffer for want of knowledge in the laws how to make a just defence, and whereas the judges and justices of the several Courts here, who ought to assist the prisoner in matters of law, cannot be presumed to have so great knowledge and experience as the great judges and sages of the law, sitting in his Majesty's Courts at Westminster, for which reasons persons under criminal prosecutions ought to have proper assistance and all just and equal means allowed them to defend their innocencies, *Be it therefore enacted* by the authority aforesaid, That all and every person and persons that shall be accused and indicted for high treason, petit treason, murder, felony or other capital offence whatsoever, shall have a true copy of the whole indictment, but not the names of the witnesses, delivered to them or any of them, three days at least before he or they shall be tried for the same, whereby to enable them or any of them respectively to advise with council thereupon, his or their attorney or attorneys, agent or agents, or any of them requiring the same and paying the officer his reasonable fees for writing thereof, paying the usual fees for the copy of every such indictment; and that every such person so accused and indicted, arraigned or tried for any such treason, murder, felony or other capital offence whatsoever as aforesaid, shall be received and admitted to make his and their full defence by counsel learned in the law, and to make any proof that he or they can produce by lawful witness or witnesses, who shall then be upon oath, for his and their just defence in that behalf; and in case any person or persons so accused or indicted shall desire counsel, the court before whom such person or persons shall be tried, or some judge of that court, shall and is hereby authorized and required, immediately upon his or their request, to assign to such person and persons such and so many counsel, not exceeding two, as the person or persons shall desire, to whom such counsel shall have free access at all seasonable times, either before, at or after the said tryal; any law or usage to the contrary notwithstanding.

Their witnesses compelled to appear.

XLIV. *And be it further enacted*, That all and every person and persons who shall be accused, indicted or tried for any such treason, murder, felony or other capital offence whatsoever, shall have the like process of the court where he or they shall be tried, to compel their witnesses to appear for them at any such tryal or tryals, as is usually granted to compel witnesses to appear against them.

Acts repealed.

XLV. *And be it further enacted* by the authority aforesaid, That an Act of the General Assembly of this Province, entituled an Act to provide indifferent jurymen in all causes, civil and criminal, passed on January the seventeenth, one thousand six hundred ninety-four-five; and another Act of the General Assembly, entituled a declaratory and additional Act to provide indifferent jurymen in all causes, civil and criminal, passed March the tenth, one thousand six hundred ninety-six and seven; and another Act of the General Assembly, entituled an additional Act to provide indifferent jurymen in all causes, civil and criminal, passed February the third, one thousand seven hundred one and two; and an Ordinance of the General Assembly, directing the manner how the juries shall be drawn, made on the third day of February, Anno Domini, one thousand seven

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hundred one and two; and another Act of the General Assembly, entituled an additional Act to the Act to provide indifferent jurymen, passed November the fourth, one thousand seven hundred and four; and an ordinance of the General Assembly, directing the manner how the juries shall be drawn, made on the same fourth day of November, one thousand seven hundred and four; and an ordinance of the General Assembly directing the manner how the juries shall be drawn, made May the seventh, one thousand seven hundred and nine; and another Act of the General Assembly of this Province, entituled an additional Act to an Act entituled an Act to provide indifferent jurymen in all causes civil and criminal, passed June the seventh, one thousand seven hundred and twelve; and another Act of the General Assembly, entituled an Act to prevent prisoners from making escapes, and to appoint sessions and goal delivery every year, passed March the first, one thousand seven hundred, and one thousand seven hundred and one; and also so much as yet remains in force of another Act of the General Assembly, entituled an Act for the adjournment of the general sessions, to be holden on Wednesday the eighteenth of this instant, October, and for directing how the general sessions may be at any time adjourned for the future, passed October the eighteenth, one thousand seven hundred and four; and another Act of the General Assembly, entituled an Act for the better ordering and holding the court of general sessions, assize and goal delivery, and the court of common pleas, in this Province—are, and each and every of the said Acts and Ordinances and the said part of an Act, are hereby repealed, annulled, and made void to all intents and purposes whatsoever; provided always, that nothing in this Act shall be construed or extend to oblige the several persons in the lists hereunto annexed, named, who live within the limits and jurisdiction of the several county and precinct courts, and are obliged by law to serve on juries at the said courts, to appear or be attendant on juries at the court of common pleas to be holden in Charlestown, or to empower the aforesaid court of general sessions in Charlestown to appoint constables for any place or places within the jurisdiction of the said county and precinct courts.

WM. DONNING, *Speaker.**Charlestown, Council Chamber, the twentieth of August, 1731.**Assented to: ROBT. JOHNSON.*

(The lists of names are omitted.)

AN ACT FOR OBLIGING PERSONS LIVING AND RESIDEING IN THE COUNTIES AND PRECINCTS OF THIS PROVINCE TO SERVE AS JURYMEN IN CHARLESTOWN, AND FOR REPEALING OF A CERTAIN CLAUSE IN AN ACT INTITULED AN ACT FOR SETTTLING THE TITLES OF THE INHABITANTS OF THIS PROVINCE TO THEIR POSSESSIONS IN THEIR ESTATES WITHIN THE SAME, AND FOR LIMITATIONS OF ACTIONS, AND FOR AVOIDING SUITS IN LAW.

No. 531.

WHEREAS, several persons were heretofore exempted to serve as jurors in Charlestown, on account of their attendance given at the county and precinct courts, and notwithstanding the greatest part of the causes are tryed in Charlestown by reason of the disuse of several of the said courts, yet such persons still claim the benefit of such exemption, to the

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great prejudice of those whose suits were heretofore decided and determined in the said county and precinct courts, and are now decided and determined at the said courts of Charlestown; we therefore pray your most sacred majesty that it may be enacted,

Jurors in the
country to
serve in
Charleston
also.

I. *And be it enacted* by his Excellency Robert Johnson, Esquire, Governour, by and with the advice and consent of his Majesty's honourable Council and the Assembly of this Province, and by the authority of the same, That the several persons living and residing in the several counties and precincts of this Province, and inserted in the lists of juries (excepting the county and precinct of Port Royall) shall be drawn and duely summoned and impannelled, and obliged to serve on juries at Charlestown court, in the same manner as the inhabitants of Charlestown precinct are drawn and summoned, any law or usage to the contrary thereof in any wise notwithstanding.

Clause of an
Act repealed.

II. And whereas, by an Act entituled an Act for settling the titles of the inhabitants of this Province to their possessions in their estates within the same, and for limitations of actions, and for avoiding suits in law, passed the twelfth day of December, one thousand seven hundred and twelve, it was enacted amongst other things, that for the ease and security of executors and administrators in paying in the debts and legacies of the deceased, that in case any person or persons whatsoever to whom the deceased was indebted or hath any manner of demand, claim or right, or cause of action whatsoever, against the said executors or administrators, be it by judgements, recognizances or other debts of record, or by debt upon any bond or obligation, or other specialty, or by covenant, or by account or book debt, or any other cause whatsoever, shall make his or their demand thereof by some legal process, suit or action, within two years after the death of the testator or intestate person, in case the cause of such action or suit accrued at the time of the death of the deceased, or else within two years after the cause of action accrued, and at no time after, excepting any person or persons beyond the seas, feme covert or imprisoned, who shall be allowed one year longer, and no more, and also except any person or persons that are under the age of twenty-one, who shall be allowed to bring their action at any time within two years after they come to age, and if beyond sea, three years: And whereas, the said clause is highly prejudicial to trade, and divers creditors have been injured by their indulgence to executors and administrators, in favouring the estates of persons deceased, who have afterwards taken an advantage of the said clause to oust the creditors of their just debts, *Be it therefore enacted* by the authority aforesaid, That the said clause before recited, and every matter and thing therein contained, be and is hereby from henceforth repealed, annulled and made void to all intents and purposes whatsoever.

WILLIAM DONNING, *Speaker.*

Charlestown, Council Chamber, the twentieth of August, 1731.

Assented to : ROBT. JOHNSON.

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No. 532.

AN ACT FOR REMISSION OF ARREARS OF QUIT-RENTS, AND FOR Registering of Patents, Grants, or Memorials of Patents and Grants, and Memorials of Title-Deeds, for the better ascertaining and regulating the payment of his Majesty's Quit-Rents for the future, and for the supplying the defect of those Patents and Grants where any lands have been meeted out and ascertained to the patentees or grantees, and of the Titles of persons claiming under the same Patents and Grants, and for the confirming and establishing the Titles and possessions of the several inhabitants of this Province to their respective lands, tenements and hereditaments within the same; and for keeping the office of Publick Register of this Province from being united to other office or offices, appointed or to be appointed by his Majesty, for Registering, Enrolling or Recording of Grants or Deeds; and for suspending the Act for calling in and sinking the paper bills; and for appropriating the monies arisen and to arise, by virtue of an Act entituled an Act for granting to his Majesty a duty and imposition on negroes, liquors and other goods and merchandizes, for the use of the publick of this Province, to the services of this Province; and for repealing of an Act to ascertain the prices of lands, the form of conveyances and the manner of recovering of rents for lands, and the prices of the several commodities the same may be paid in, passed the sixteenth of March, one thousand six hundred ninety-five; and for repealing part of an Act of the General Assembly entituled a declaratory Act concerning several Acts of the General Assembly of this Province that are repealed, and also concerning the adjournments of the Commons House of Assembly, passed the eighteenth of September, one thousand seven hundred and thirteen.

WHEREAS, by an Act of Parliament, passed in Great Britain, in the second year of the reign of his present Majesty King George the second, entituled an Act for establishing an agreement with seven of the Lords Proprietors of Carolina, for the surrender of their title and interest in that Province, by virtue of which said Act, the several parts and shares of seven of the late Proprietors therein named (except as therein is excepted,) are now become vested in his Majesty, his heirs and successors, together also with seven eight parts of all and every the arrears of quit-rents, and other rents, sum and sums of money, debts, dues, accounts, reckonings, claims and demands whatsoever, due to the said last mentioned proprietors, to the first day of June, one thousand seven hundred and twenty-nine; and whereas his Majesty, as a mark of his royal bounty and indulgence to his people in South Carolina, under the Government of his Excellency, Robt. Johnson, Esq., did empower his Excellency the said Robt. Johnson, to give his assent to a law for remitting the arrears of quit-rents, provided the Assembly do by the same law repeal one Act formerly consented to by the late Lords Proprietors, entituled an Act to ascertain the prices of land, the forms of conveyances,

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and the manner of recovering the rents of lands, and the prices of the several commodities the same shall be paid in, and do thereby provide that all possessors of land in his Majesty's Province of South Carolina, do forthwith register their respective grants by which they claim such land, in the office of his Majesty's auditor general or his deputy, and that every person possessing land in the said Province by virtue of any grant from the late Lords Proprietors, for the future pay unto his Majesty, his heirs and successors, the annual quit-rent reserved upon such grants respectively, in proclamation money; We, therefore, your Majesty's most dutiful and loyal subjects, desiring ever more to be mindful of all your Majesty's royal favours, and more especially of this your Majesty's royal bounty and fatherly indulgence, in remitting to us the seven eight parts of all arrears of quit-rents, do hereby declare our ready acceptance of your Majesty's remission of the said arrears, and to the end therefore that your Majesty's quit-rents may be better ascertained, and the future payment thereof better regulated, we humbly pray your most sacred Majesty, that it may be enacted,

Persons shall register their patents or grants in Auditor General's office.

I. *And be it enacted* by his Excellency Robert Johnson, Esq. Governour, by and with the advice and consent of the Council and Assembly of this your Majesty's Province, and by the authority of the same, That all and every person or persons whatsoever, being and residing within the Province of South Carolina, who do hold or claim any messuages, lands, tenements or hereditaments within the said Province, by virtue of any patents or grants from and immediately under the Lords Proprietors, or any of them, or from or under any of their Governours, deputies, commissioners or trustees, do and shall within eighteen months after the passing of this Act, register all and every such their patents or grants, respectively, or memorials thereof, at the election of the patentee or grantee, in the office of his Majesty's auditor general or his deputy, or such other proper person or register as his Majesty hath, or shall be graciously pleased to appoint for and within this Province, to do and perform the same, by leaving a true copy of such patent or grant or memorial thereof with the said auditor general or his deputy, or other proper officer or register to be appointed by his Majesty for this Province, and residing within the same, the said officer having first examined and compared such memorial with that part of the original as is hereby required to be registered; and all and every such patentees or grantees shall at the same time declare and discover before the said auditor of his deputy, the several and particular quantities of land such patentee or grantee holds in his own right, by virtue of such patent or grant, as far as he hath knowledge thereof, and the county, parish and place where situate, and the particular buttings and boundings of the same, and the rents now reserved thereon; provided always nevertheless, that nothing herein before contained, shall extend or be construed to oblige any person to register any grants or deeds of the lots within the town-plots of townships already laid out, in regard to the quit-rents thereon reserved, if any are so inconsiderable that they are not worth the trouble of receiving or collecting the same.

Except grants of town lots.

Lands to be registered in eighteen months

II. *And be it further enacted* by the authority aforesaid, That all and every person and persons whatsoever being and residing within the said Province of South Carolina, who do now hold, possess or claim any messuages, lands, tenements or hereditaments whatsoever by virtue of any mesne conveyances under such original patentees or grantees shall within eighteen months next after the passing this Act, exhibit and deliver unto his Majesty's auditor general or deputy, or other proper officer or

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register appointed or to be appointed by his Majesty for that purpose, for and within this Province, a short memorial in writing, to be signed by the party exhibiting the same, containing the purport, substance and effect of the last mesne conveyance, deed or will under whom the party immediately claims, (except town lots, as before excepted,) that is to say, every memorial of any such deed, conveyance or will, shall contain the year and day of the month when such deed bears date, and the names and additions of all the parties of such deed or conveyance, and if by will, the deviser, testator or testatrix of such will, and shall express or mention such messuages, lands, tenements or hereditaments contained in such deed, conveyance or will, and the place where situate, that is to say the county, parish, township, precinct or extraparochial places within the said Province where such messuages, lands and tenements or hereditaments, are situate or do lie, in such manner as the same are expressed in such deed, conveyance or will, or probate of the same, and the said auditor, his deputy or register aforesaid, at the time of entering such memorial, shall endorse a certificate, on every such deed, conveyance or will or probate of the same, and therein mention the day and time on which such memorial was registered, and shall sign the same certificate, and shall note therein the book and number of page of such a book, and shall duly file every such memorial in order of time, as the same shall be brought to the said office, and number, register and enter the said memorials in the same order that they shall respectively come to his hands; and the auditor or his deputy shall not register any lands whatsoever, without some patent, grant or title deed produced, except as is hereafter mentioned, all which entries or registers of all and every such grants and memorials as aforesaid, shall and are hereby declared to be sufficient evidence in the law, and valid to charge the parties, their heirs and assigns with the rents respectively therein mentioned and reserved, saving and excepting nevertheless, all such grants or patents heretofore granted by the late Lords Proprietors, whereon one penny per acre was heretofore reserved and afterwards reduced by an order of the late Lords Proprietors, dated the thirteenth day of May, one thousand six hundred ninety-one, to the rent or sum of twenty pounds a barony, which amounts to three shillings and four pence per hundred acres.

Form of registering.

III. And to the end that none of the said grants or the quit-rents thereon reserved may be concealed or his Majesty defrauded of his quit-rents, *Be it further enacted* by the authority aforesaid, That all guardians, executors, trustees and attorneys, being possessors of such original patents or grants, immediately from or under the said late proprietors, or from and immediately under their governours and deputies, commissioners or trustees, shall likewise register the same grants and last mesne conveyance or memorials thereof, as aforesaid, and also all mortgages of lands and tenements in this Province having any such original grants or last mesne conveyance in their hands, of the mortgagor, shall likewise register the same, or a memorial thereof, in manner aforesaid: Provided, nothing herein contained shall extend to the registering of leasehold estates only, nor to such grants or deeds as have at any time once before been registered by the said auditor, his deputy or register, and certificate thereon endorsed or given as aforesaid. And the said Auditor or his deputy shall be allowed for registering every grant or memorial, and for giving certificate thereof, seven pence half-penny proclamation money, or the value thereof in the currency of this Province, for every copy-sheet, that is to say, for every ninety words, and no more.

Guardians, &c. to register in like manner.

Auditor's fees.

IV. And to the end that all persons may know where to resort for registering their said grants and memorials of deeds, *It is hereby further*

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Auditor's office
to be in
Charlestown.

enacted and declared, That the Auditor, his deputy or register, or other person appointed or to be appointed by his Majesty to register such grants or deeds, or memorials of such grants or deeds, shall reside in Charlestown, and give due attendance in his office every day, from the hours of nine to twelve in the forenoon and from two to five in the afternoon, Sundays and holidays excepted.

Quit-rents to be
paid in procla-
mation money.

V. *And be it further enacted* by the authority aforesaid, That the seven-eight parts of all and every the annual quit-rents reserved and hereafter to grow due on all and every such grants and deeds, shall be deemed and accounted to be and paid unto his Majesty, his heirs and successors, for ever, in proclamation money, yearly and every year, on every five and twentieth day of March, to commence from the five and twentieth day of March last past, or within three months then next after at farthest; and that for and notwithstanding any other days or times given or expressed in any such patent, grant or deed, for payment thereof, the first payment to begin and be made on the five and twentieth day of March now next ensuing.

Original grants
lost, &c.

VI. *And be it further enacted* by the authority aforesaid, That where any original grant made by the said late Lords Proprietors, or their deputies, commissioners or trustees, hath been casually lost or destroyed by fire or other accident, and no record or register of the same can be found, nor the quit-rents thereon reserved, sufficiently ascertained by any deed under which the party in possession doth claim the same, that all and every such person shall pay unto his Majesty, his heirs and successors, for ever, the quit-rent of twelve pence per hundred acres, in proclamation money, (being the usual quit-rent for all lands granted for thirty-five years past and upwards,) yearly, and every year, on every twenty-fifth day of March, or within three months then next after at farthest.

Lands not regis-
tered in 18
months after
notice, vacant.

VII. *And be it further enacted* by the authority aforesaid, That all land whatsoever lying and being within the said Province of South Carolina, now in the tenure or occupation of any person or persons whatsoever living and residing within the same, that shall not be registred in the office of the said Auditor General or his deputy, within eighteen months after the said office shall be erected and established in Charlestown, as aforesaid, and publick notice given thereof by the said auditor or his deputy, by posting the same at each parish church throughout the said Province, (and where there is no parish church, at some other noted place of such parish) the same shall be reputed, deemed and taken as vacant lands, and it shall be lawful for any person to take up the same; saving the right, nevertheless, of all minors and orphans, who shall have three years after they come of the age of one and twenty years, to register their said deeds and grants, (paying the arrears of quit-rents that shall be then due); saving the rights of feme coverts and persons beyond the seas, which persons now residing beyond the seas or out of this Province, may register the same within five years from the passing of this Act, unless they shall sooner return into this Province: Provided always, nevertheless, that if any person or persons who are possessed of any lands or tenements in this Province have, by fire or other accident, lost their original grant or deed or will, under which they immediately claim, and do and shall make oath of the same before the auditor or his deputy, who is hereby impowered to administer such oath, that then and in such case, if a record of such grant, deed or will, can be found in the Secretary's or publick Register's office of this Province, the party claiming under any such lost grant, deed or will, shall produce an attested copy of such grant, deed or will, or probat of the same, from the said Secretary or Register, unto his Majesty's Auditor or his deputy, who

Minors, feme
coverts, &c.
allowed further
time.

When a new
grant may be
obtained.

shall register the same in manner as before directed for original grants, deeds or wills, and shall indorse a special certificate of the same on the attested copy of such grant, deed or will, or probat of the same; and the record of such grant, deed or will, in the Secretary's and publick Register's office, together with the actual possession of the party claiming under the same, shall be deemed good evidence of a title at law, until better evidence of a title appears. Provided also, nevertheless, that where any person or persons, by fire or other accident, have lost their original grant or title-deed under which they claim, or where such grants or deeds are much torn, obliterated or defaced by casualties, and no record can be found thereof in the Secretary's or Register's office, nor of the will under which he claims, and the party making oath that he claimeth under a grant, deed or will, which hath been *bona fide* lost, or where the same appears to be casually obliterated, torn or defaced, and shall prove by other evidence that he or those under whom he claims have been in the actual and peaceable possession of the lands he now claimeth, for the full space and term of seven years and upwards, that it shall and may be lawful for such person to purchase a new grant from his Majesty for the same, paying the same quit-rents, at twelve pence per hundred acres, proclamation money, so that such new grant shall not be construed to extend to bar him that better title had before the taking out such new grant, nor to strengthen his title against any other person that layeth claim to the same lands, but that such other person, then living and residing within this Province, may at any time within seven years next after the issuing thereof, pursue his title at law, notwithstanding any such new grant; and such new grant shall not be given in evidence to bar him that better right had at or immediately before the obtaining such new grant; saving the right also of infants, feme covert, and persons beyond the seas or out of this Province, as aforesaid.

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Proviso.

VIII. *And be it further enacted* by the authority aforesaid, That all and every the quit-rents whatsoever, which from and after the passing of this Act shall grow due to his Majesty, his heirs or successors, for any mesuages, lands, tenements or hereditaments whatsoever, in the said Province of South Carolina, by virtue of any patents, grants or deeds heretofore made by the late Lords Proprietors of Carolina, or any of them, their governours, deputies or trustees, or other commissioners appointed for selling of lands in this Province, or by virtue of any mesne conveyances from and under such patents, grants or indentures, or by virtue of any patents, grants or indentures already made or to be made by his Majesty, his heirs or successors, or by any officer or officers appointed by his Majesty, his heirs or successors, for that purpose, of any mesuages, lands, tenements or hereditaments whatsoever, within the said Province of South Carolina, the same shall be paid to his Majesty, his heirs and successors, or to his Majesty's receiver-general of his quit-rents, or his deputy, yearly and every year, on every five and twentieth day of March, or within three months then next after, at farthest, in manner following; that is to say, if the person or persons so in arrear shall live or reside in Granville county, he and they shall be at liberty to pay in his and their quit-rents to a deputy receiver, to be appointed, to reside at Port Royal, in Granville county, for that purpose; and if the person so in arrear shall live or reside in Craven county, he and they shall be at liberty to pay in his and their quit-rent at some certain place to be for that purpose appointed by his Majesty's receiver-general, or his deputy, at Winyaw, in Craven county, and not elsewhere, unless any persons, so living and residing in Granville county, or Craven county, shall find it more for his or their conveniency to pay it at the office of his

Quit-rents to be paid on every 25th of March.

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Majesty's receiver-general, or his deputy, at Charlestown; and all persons living or residing in Berkley county or Colleton county, shall pay in their quit-rents to his Majesty's receiver-general, or his deputy, at the office of such his Majesty's receiver-general, or his deputy, in Charlestown.

Quit-rents not
paid in three
months, officers
may distrain.

IX. And for the more speedy and effectual recovery and getting in his Majesty's said quit-rents for the future, *Be it further enacted* by the authority aforesaid, That if any of the quit-rents whatsoever, that shall become due to his Majesty, his heirs or successors, from and after the passing of this Act, out of any messuages, lands, tenements or hereditaments, whatsoever, within this Province, (town lots excepted) shall happen to be behind and unpaid by the space of three months next over or after the said twenty-fifth day of March, that then it shall and may be lawful to and for his Majesty, his heirs and successors, by his and their officers, ministers and bailiffs, appointed or to be appointed, and duly sworn for that purpose, into all or any messuages, lands or tenements respectively whatsoever, to enter and make reasonable distress upon the goods and chattels of the owners, in whatsoever part of the Province the same can be found, nearest to Charlestown, and the goods and chattels so distrained (except nevertheless, as herein after is excepted) shall drive and carry away, and them detain, or impound, in some place within the parish, where such distress is taken; and if the tenant or owner of the goods or chattels so distrained, shall not within five days exclusive, next after the taking of such distress, and notice thereof in writing, with the cause of such taking, left at the owner's house, upon the lands where such distress is made, and in case there is no house, at the parish church where such lands lye, or for want of such parish church, in some noted place of such parish, redeem the same, that then and in such case, after such distress and notice as aforesaid, and expiration of the said five days exclusive of the days of taking, the constable of the parish where such distress shall be taken, who is hereby required also to be aiding and assisting therein, shall well and truly appraise the goods and chattels so distrained, according to the best of his understanding, and after such appraisement, the person distraining the same shall and may lawfully sell the goods and chattels so distrained, at out-cry, for the best price that can be got for the same, towards satisfaction of the quit-rent, for which the said goods and chattels shall be so distrained, and of the charges of such distress, appraisement and sale, leaving the overplus, if any, in the hands of the said constable, for the owner's use.

After five days
notice goods
to be appraised
and sold.

Officers' fees
for making
distress.

X. *And be it further enacted* by the authority aforesaid, That there shall be allowed and paid by the person so in arrear, to his Majesty's bailiff, who shall be appointed to make such distress or distresses, the sum of one shilling in the pound, proclamation money, or the value thereof in the present currency, for every pound or twenty shillings proclamation money so in arrear, where the same is not paid before such distress be taken, and three pence per mile, proclamation money, to be computed from the house of the receiver of the district where such distress is made, and three pence proclamation money, or the value thereof in the currency of this Province, per head, for the pasturage of each horse or cattle distrained or sold, for every twenty-four hours, till redeemed, so that such distress be not unreasonable; and to the constable assisting the officer, each day, half a crown proclamation money, or the value thereof in the current bills of this Province.

Pound-breach
or rescues.

XI. *And be it further enacted* by the authority aforesaid, That upon any pound-breach or rescues of any goods and chattels distrained for any quit-rent, it shall and may be lawful for his Majesty, his heirs and succes-

sors, by his and their officers and ministers appointed or to be appointed by his Majesty to receive or collect the said quit-rents, to bring a special action on the case, for the wrong thereby sustained, and recover treble damages against the offender or offenders in any such rescues or pound-breach, any or either of them, or against the owners of the goods, in case the same be afterwards come to his use and possession.

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XII. *And be it further enacted* by the authority aforesaid, That in case any person or persons whatsoever, possessed of any messuages, lands or tenements in this Province, after having registered their patents, grants or deeds, or memorials thereof, or memorials of the last will or probate thereof, in the office of his Majesty's auditor or deputy, as aforesaid, shall sell or dispose of such messuages, lands or tenements, or any part thereof, he shall cause a new memorial to be made of the indenture or deed by which the said messuages, lands or tenements are so disposed of; (town lots excepted,) to be exhibited and filed with his Majesty's auditor or his deputy; and if devised away by will, then the devisee, executors or administrators, shall exhibit a memorial of such will, that is to say, the testator and devisee's names, the date of the will, and the clause of such will whereby the same is devised away; and then and from thenceforth, upon payment of all arrears then due, the persons only to whom such messuages, lands or tenements are conveyed over or devised, shall stand chargeable only with the payment of the quit-rents from thenceforth to grow due out of such messuages, lands or tenements; and in case only part thereof be conveyed away or devised, then upon exhibiting a memorial in manner as aforesaid, and paying all arrears of quit-rents then due, the said auditor or his deputy is hereby required to apportion the rent accordingly, and to charge the same on such new purchaser or devisee, paying the usual fees, as aforesaid.

Lands sold after registered, a new memorial to be made.

XIII. *And be it further enacted* by the authority aforesaid, That in case any person or persons who have any right or title to any lands or hereditaments in this Province, for which any quit-rents or other rents are due and payable to his Majesty, his heirs or successors, shall suffer the said lands and hereditaments to lye fresh and the rents due and payable for the same to be at any time hereafter in arrear and remain unpaid for the space of five years, and no distress can be found on such lands and hereditaments, nor any other lands, tenements or hereditaments of the owner and proprietor of such lands within this Province, that then, in such case, on inquisition thereof duely taken and office found, the said lands for which the rent is so in arrear shall again become vested in his Majesty, his heirs and successors; and then and from thenceforth it shall and may be lawful for his Majesty, his heirs and successors, by his and their bailiffs, ministers and officers, into such lands to enter, and to grant the same in fee or for any other estate, to any other person or persons whatsoever; saving the rights of infants, who shall have three years after they come of age, and of feme coverts, who shall have three years after the removal of such coverture.

Quit-rents unpaid for five years, the land to be forfeit.

XIV. *And be it further enacted* by the authority aforesaid, That no rice, corn, or other grain, whilst in the sheaf or ear, either in the field or barn, shall be liable to any distress for quit-rents or other rents whatsoever, till threshed out, nor negroes or any other slaves, nor wagons, carts or carriages, loaden or unloaden, going in the King's highroad or private path, to and from a landing, nor oxen or horses drawing the same, nor the loading so carried or drawn, nor any goods in boats, periagoes, or other vessels on the water, nor oxen, nor horses of the plow, on any plantation where other horses or cattle are shewn and delivered, nor mills, or other

What goods shall not be distrained.

A. D. 1731.

Remedy in case
of wrongful
distress.

plantation tools or utensils, or canoes, boats or periagoes, belonging to the owner or any other person, when other sufficient distress is shewn or produced, nor shall any distress be severed and drove or carried to more than one place, to put the parties to charge.

XV. *And be it further enacted* by the authority aforesaid, That in case any distresses and sales as aforesaid shall be made by colour of this Act or otherwise of any quit-rents pretended to be due and in arrears, where in truth no such quit-rents are due or in arrears, or if any distress or distresses shall be taken and sold contrary to the true intent and meaning of this Act, that then the owner of such goods so distrained and sold as aforesaid, his executors or administrators, shall and may, by action of trespass, or upon the case, to be brought against the person or persons by whose warrant or command such distress was made, any or either of them, his or their executors or administrators, recover double the value of the goods or chattels so distrained and sold, together with full costs of suit.

Persons dis-
trained pro-
ducing a
certificate of
payment of
the rent, dis-
tress shall be
discharged.

XVI. *And be it further enacted* by the authority aforesaid, That where any distress or distresses shall happen to be made for any quit-rents which hereafter shall become due to his Majesty, his heirs and successors, and the person or persons so distrained upon, shall at any time within five days, exclusive of the day of taking such distress, produce a certificate or certificates from the Receiver General or Collector of his Majesty's quit-rents or his deputy, to the person making such distress, that the quit-rent or quit-rents so in arrears, is or are paid and satisfied, or that he hath taken sufficient suretys for satisfying the same, that then such distress shall immediately cease on satisfying the charges of such distress.

On payment of
rent a receipt
shall be given
and entered.

XVII. *And be it further enacted* by the authority aforesaid, That the receiver general or collector of his Majesty's quit-rents or his deputy, shall immediately give a receipt to the party paying in his quit-rent, and shall cause every receipt to be immediately entered at large, into a book to be kept for that purpose, with his name subscribed thereto, which entry or an attested copy thereof, shall be a sufficient discharge in law as well as the original receipt.

For preventing
frauds by
double mort-
gages, an office
having been
erected for
recording deeds

XVIII. And whereas, for the preventing frauds in conveyances, double mortgages and other collisions in making over and conveying lands and other estates, an officer is by a law of this Province appointed for recording deeds, conveyances and mortgages, in like manner as is appointed by certain Acts of Parliament in Great Britain, for the appointing registers in the county of Middlesex and other parts of that kingdom; and it having been found by experience that the said office has had the good effects expected by the same, and has been of great use and service to this Province, as it has been distinct and separate from any other office, *Be it therefore enacted* by the authority aforesaid, That the recorder or register of deeds or conveyances of land and mortgages, shall be and continue separated and distinct from any other office or officer whatsoever, for registering of deeds; and the said register of this Province, and the register of this Province for the time being, who whilst register of this Province or deputy register, shall take upon him to execute the office of secretary or deputy secretary, or of his Majesty's auditor general or his deputy, or his Majesty's register or his deputy, or of receiver general or his deputy, or as any other officer whatsoever, established or to be established for registering, enrolling or recording of grants or deeds, shall forfeit the sum of five hundred pounds proclamation money, to him or them that will inform and sue for the same by action of debt, bill, plaint or information, in any court of record in this Province, together with the loss of his office of register of this Province, and wherein no essoyn, protection, injunction or wager of law shall be allowed or admitted of.

XIX. And whereas, divers questions and doubts have been heretofore had and moved concerning the titles of the several inhabitants of this Province to their respective estates, viz. that the late Lords Proprietors being joint tenants by the two charters granted to them by his late Majesty King Charles the second, could not alien any part of the said Province, without the joynt consent of the whole of such Proprietors; and all such patents and grants so made, were for that reason said to be invalid and void in law, and that the Governours and their deputys who were empowered and commissioned from time to time from the late Lords Proprietors, to grant and sell lands in this Province, could not execute such an authority without the joynt power and consent of all the said Proprietors, whereby all grants made of any lands under such a defective power were likewise said to be void, and that all or most of such powers were defective, for the reasons aforesaid, at other times that many of the Lords Proprietors were not named, or had not been rightly named in the said patents or grants, and at other times that significant and necessary words were wanting in the patents, grants and indentures, so made by the said proprietors themselves and their Governours, deputys and commissioners, to convey such estates as were thereby intended to be conveyed, so that nothing passed thereby to the grantees, nor to the purchasers claiming under such patents, grants, indentures or deeds, to the great disturbance and disquietude of all the inhabitants who were more or less concerned as original purchasers, or claiming estates by mesne conveyances, from and under such original purchasers; wherefore for the supplying all the defects aforesaid, and for the quiet and ease of his Majesty's subjects, it being no wise the intent and meaning of the said Lords Proprietors or any of them, to take advantage of such defects, by a certain Act entitled an Act to ascertain the prices of land, the forms of conveyances, and the manner of recovery of rents for lands, and the prices of the several commodities the same may be paid in, passed the sixteenth day of March, one thousand six hundred ninety-five, it was enacted by his Excellency William Earl of Craven, Palatine, and the rest of the late true and absolute Lords and Proprietors of the said Province of South Carolina, by and with the advice and consent of the rest of the members of the General Assembly, among other things, that all grants and deeds indented for the sale and conveyance of lands lying within the said Province of South Carolina, which at any time thentofore were made by the said Palatine or his deputy, and any three more of the said Lords Proprietors or their deputys, commissioned or impowered to sell and grant lands, were and are thereby declared to be and forever thereafter should be taken and held to be good, strong, substantial, stable, firm and lawful, according to the true intent and meaning thereof, any misnomer, omission of the said names of the said Lord Proprietors, any want of any significant and necessary words in law for conveying of lands, any omission, commission or mistake whatsoever in the said grants, done, omitted or committed by any or all of the trustees commissioned by the said Lords Proprietors for the selling of lands, notwithstanding. And for the better security and quiet of all persons who should thereafter become purchasers, it was further enacted by the same Act, that all grants and sales of lands, all publick instruments in witing, all private contracts and agreements, with any person or persons, all acts and orders of Assembly, all rules and instructions of Government, and all other papers relating thereto, which should be made and signed and sealed by the Palatine and three more of the said Lords Proprietors, or by any five of the Lords Proprietors, and all acts and matters done by virtue thereof, should be taken and held to be as good and

A. D. 1731.

Doubts concerning the titles to lands, by reason of defective grants, &c.

Removed by an Act of Assembly, ratified 16th March, 1695.

Recital of the Act.

A. D. 1731.

Further removal of such doubts, and former grants made valid,

And all persons claiming under the same may hold against his Majesty, &c

Notwithstanding any misnomer, &c.

Or defects in describing the lands.

substantial in law, as if the same had been agreed and consented to and signed and sealed by all the Lords Proprietors themselves; as in and by the said last recited Act, relation being thereunto had, doth more fully and at large appear; *Be it therefore further enacted* by the authority aforesaid, That all and every person and persons who are now possessed of or do hold any messuages, lands, tenements or hereditaments whatsoever in the said Province of South Carolina, by and under any original patents, grants, deeds, indentures or poll, either made by the said Lords Proprietors or by their Palatine or his deputy, and any three more of the Lords Proprietors or their deputies, or by any of their late Governours of the said Province, and any three or more of the said Lords Proprietors, or the said Lords Proprietors's deputys, or by any other person or persons whatsoever, commissioned by their Palatine and any three or more of the said Lords Proprietors, or by any five of the said Lords Proprietors, their deputys or commissioners, as of fee simple or fee simple conditional, or for life or for terms of years, and all other person and persons whatsoever, who are now possessed of or do hold any such estate or estates, by virtue of any mesne conveyances, derived from and under all or any such original patents, grants, deeds, indented or poll, shall and may from hence forth quietly and peaceably have, hold, use, occupy, possess and enjoy, all and every such messuages, plantations, lands, tenements and hereditaments whatsoever to them, their heirs, executors, administrators and assigns respectively, according to the several tenures in such original patents, grants, deeds indented or deeds poll and mesne conveyances, or last wills derived from and under them respectively mentioned and expressed, and that against his said Majesty, his heirs and successors for ever, and against all and every the said Lords Proprietors and their heirs, and all and every person and persons whatsoever, save and except as hereinafter is saved and excepted, and that for and notwithstanding any misnomer or omission of the names of any of the said Lords Proprietors or their deputys, any want of significant and necessary words in law, for conveying of such lands, any omission, commission or mistake whatsoever, in the said grants done, omitted or committed by all or any of the said Lords Proprietors, their deputys or trustees commissioned by the said Lords Proprietors, for selling of lands in this Province, according to the true intent and meaning of this Act; and also for and notwithstanding any proper seal or seals not being used or affixed by the said Proprietors, their Governours, deputys, commissioners or trustees, to all or any such patents, grants, indentures, deeds or commissions; and also for and notwithstanding the lands granted or conveyed, or intended to be granted and conveyed by such patents, grants, deeds indented or poll, have not been sufficiently described or ascertained in such patents, grants, deeds indented or poll, so that nevertheless any such lands, or some part thereof, have been surveyed or meeted out, or ascertained by survey to such patentees, grantees or purchasers, or to their heirs or assigns, or to the heirs or assigns of the persons named as patentees or grantees or assigns, in such patents or grants, or deeds of assignment, or to their or any of their attorneys or agents in their behalf, by a survey of a sworn surveyor or surveyors, as part of such patent lands, or certified or returned into the office of the surveyor general by a sworn surveyor or surveyors thereto appointed; or so that the same lands, or some part thereof, have been described or ascertained by subsequent grants thereof, to such original patentees, grantees or to persons named as such, their heirs or assigns, or to under-purchasers by mesne conveyances from such original patentees, grantees or assignees, or persons named as such, their heirs or assigns, or to persons

A. D. 1731.

Notwithstanding any want of livery and seisin, &c.

Notwithstanding any defect in form or substance.

Saving to all persons &c. other than to his Majesty, &c.

claiming under them as such, or to their attornies or agents, in their or any of their behalf, before the passing of this Act; or so that any lands which at any time within two years after a surveyor general shall be appointed by his Majesty, and after his the said surveyor general's arrival in this Province, be meeted out and ascertained to any patentee or patentees, their heirs or assigns, or persons claiming under them as such by virtue of any patents, grants, indentures or deeds heretofore made by the said Proprietors before the said Act of Parliament passed in Great Britain, for vesting the same in his Majesty; and also for and notwithstanding any want of livery and seisin, enrollment, attornment or any other defect whatsoever, in the execution of all or any such patents, grants, deeds, indented or poll, so made by the said Lords Proprietors or any of them, their Governours, deputies or commissioners, or in the not timely execution, or for the non-execution of the same, by reason of the first or former patentee or patentees dying before such lands were meeted out to him or them, in part of such patents, or otherwise howsoever, so that nevertheless the heir or heirs of the persons who were named as patentees or grantees, or purchasers in such patents, grants or deeds of assignment, or the heirs or assigns of such first or former patentee or patentees, or any person or persons whatsoever, claiming as such, under all or any of them, their agents or attorneys, did cause any part of such vacant and unoccupied lands to be meeted out or ascertained to them or any of them, their heirs or assigns, or persons named as such in such deeds of assignment, conveyances or last wills, or to their attornies or agents in their behalf, by survey or surveys of a sworn surveyor or surveyors, or certified or returned into the surveyor general's office, for and in part of such patent lands before conveyed or intended to be conveyed by such original patents, grants, indentures or deeds; or so that such lands be meeted out to such patentee or patentees, at any time within two years after a surveyor shall be appointed and arrive in this Province as aforesaid; and also for and notwithstanding any other defect, omission or commission in form or substance, law or fact, in all or any such original patents, grants, indentures or deeds, or assignments of the same, or in the execution thereof, or of any of them, so that such lands or some part of them, have been meeted out or ascertained to such patentees, grantees or assigns, or to persons named as such in any such patents, grants or deeds of assignment, or to their attorneys or agents in their behalf, or returned into the surveyor general's office as aforesaid, at any time before the passing of this Act; and all and every such patents, grants, indentures and deeds, and all other patents, grants, indentures and deeds from the said Proprietors, their Governours, deputies, commissioners or trustees, where any lands have been so meeted or ascertained or returned as aforesaid, and the assignments thereof, are hereby ratified and confirmed, for and notwithstanding all or any such defects in the patents, grants or deeds aforesaid, or any of them, or the assignments thereof, or other defects whatsoever, in not timely executing, undue or non-execution thereof as aforesaid, or so that such lands be meeted out to such patentee or patentees, at any time within two years after the arrival of a surveyor to be appointed by his Majesty as aforesaid: Saving to every person and persons whatsoever, bodies politick and corporate, their executors, administrators and assigns, other than to the King's Majesty, his heirs and successors, and other than to the said Lords Proprietors, and their heirs, and other than to such person and persons who do or may stand seized or possessed in trust, for his said Majesty, his heirs and successors, or for the said Lords Proprietors, all such right, title, interest and demand whatsoever, which

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This Act not to
abridge the
right of Lord
Carteret, &c.

they or any of them now have and may claim of, in or to the said lands, messuages, tenements and hereditaments whatsoever, so granted as aforesaid, or any part thereof, as fully and effectually to all intents and purposes, as if this Act had not been made, this Act or any thing therein contained to the contrary notwithstanding: Provided also, that nothing in this Act contained shall extend or be construed to alter or abridge the right honourable John Lord Carteret, his heirs, executors, administrators or assigns, or the said Lords Proprietors or their heirs, of any estate, right, title or interest whatsoever, which have or hath been saved and reserved unto the said John Lord Carteret, or to the late Lords Proprietors, or any of them, in and by the said Act, entituled an Act for establishing an agreement with seven of the Lords Proprietors of Carolina, for the surrender of their title and interest in that Province to his Majesty; nor to revive or enlarge any estate or right or interest whatsoever in the said Lords Proprietors, or any of them, their or any of their heirs, of, in and to the Provinces and territories aforesaid, or any part thereof, which they or any of them have granted and conveyed as aforesaid, to any person or persons whatsoever, or which they have surrendered to his Majesty by virtue of the last herein before recited Act.

Persons who
have formerly
paid their pur-
chase money
and metted out
lands, may
have grants at
the old quit-
rent.

XX. And whereas, divers new comers and others, being desirous to take up lands in this Province, in order to settle, cultivate and improve the same, but have no patents or grants from the late Lords Proprietors, their Governours, deputys or commissioners, nor any deeds of purchase, derived under any such patents or grants, although many have paid their purchase money to the late Lords Proprietors's receiver general, and in pursuance thereof have metted out and ascertained the same by legal warrants and surveys, yet could obtain no grants, by reason of the land office being shut up for several years past; we therefore pray your most sacred Majesty that it may be enacted, *And be it enacted* by the authority aforesaid, That such persons may be enabled to take out grants from his Majesty before others who have made no such purchase, nor obtained and made such legal warrants and surveys; and that the persons who have made such purchases, and obtained legal warrants, and made surveys in pursuance thereof, may hold the same by grants from his Majesty, at the quit-rents respectively and usually reserved on lands, when such purchases were made, preferable to all others: Provided such persons do produce purchase receipts, or copy thereof from the receiver's books, for the purchase money of such land, to his Excellency the Governour, and shall make oath before him that the land he claims, was surveyed and ascertained to him or his ancestor, or some person under whom he claims, by virtue of a warrant and such purchase receipt; and that no other land whatsoever is held by him or any other person whatsoever, by virtue of the said warrant and purchase receipt, to the best of his knowledge: Provided also, that the person possessing such lands, by virtue of such purchase receipt and survey, agreeable thereto, do prove that he, his ancestor, or the person under whom he claims, have constantly paid the usual taxes for such land, either by receipt, or from the tax books of the publick receiver of this Province: And to prevent all disputes that may arise, who are lawful surveyors, it is hereby enacted and declared, That the surveyor general and his deputies, who have been appointed by the late Lords Proprietors, or by virtue of any power or authority derived from them, were, shall be and are hereby declared to be lawful surveyors, and so shall be and continue until such time as others are or shall be

Provided such
persons make
oath, &c.

And have paid
tax for the same

Who shall be
deemed lawful
surveyors.

appointed by his Majesty, and for and until such time as the surveyor or surveyors, so appointed or to be appointed, by his Majesty, shall take on him or them the execution of their said office. A. D. 1731.

XXI. *And be it further enacted* by the authority aforesaid, That no surveyor or surveyors, auditor or his deputy, secretary or his deputy, or other officer whatsoever, shall take any premium, fee, present, gratuity or reward, directly or indirectly, other than the legal fees, by himself or by any other in his behalf, either for the preferring or postponing of any grant whatsoever, or for the renewing thereof, under the penalty of forfeiting ten times the value of the premium, fee, present, gratuity or reward so taken, to be recovered by action of debt, bill, plaint or information, in any court of record in this Province, wherein no essoign, protection, injunction or wager of law shall be allowed or admitted of; the one half of which shall be to his Majesty for the support of this Government, the other half to him or them that will sue for the same; and for the better preventing and detecting thereof, it is hereby declared that the person giving such premium, fee, present, gratuity or reward, may give the same in evidence upon the trial. Penalty on officers taking unlawful fees.

XXII. *And be it further enacted* by the authority aforesaid, That one Act entituled an Act to ascertain the prices of Lands, the forms of Conveyances, the manner of recovering Rents for Lands, and the prices of the several commodities the same may be paid in, passed the sixteenth day of March, one thousand six hundred ninety-five, from and immediately after the passing of this Act, be and is hereby repealed. Act to ascertain the prices of Land, &c. repealed.

XXIII. *And be it further enacted* by the authority aforesaid, That the seven-eight parts of all and every arrears of quit-rents reserved and payable to the late Lords Proprietors, or to his Majesty, out of any messuages, lands, tenements or hereditaments whatsoever, within this Province, from any person or persons being within or without the same, and also all other rents and arrears of rent whatsoever, due unto his Majesty until the 25th of March last, be and are hereby declared to be absolutely remitted and for ever discharged. Remission of quit-rents.

XXIV. *And be it further enacted* by the authority aforesaid, That the execution of one Act entituled an Act for calling in and sinking the Paper Bills, passed the fifteenth day of February, in the year of our Lord one thousand seven hundred and twenty-three, be and is hereby suspended for the space of seven years, to commence from the passing of this Act. An Act suspended for 7 years.

XXV. *And be it further enacted* by the authority aforesaid, That all the monies which hath arisen or due upon the duties of the imports, to the five and twentieth day of March, one thousand seven hundred and thirty-one, shall be appropriated and applied toward payment of the publick debts to the said twenty-fifth day of March, one thousand seven hundred and thirty-one, in such order and manner as in and by an Act of the General Assembly hereafter to be made or passed, shall be directed and appointed; and that the sum of five thousand pounds per annum, in the present currency, which shall hereafter arise upon the duties of the imports of this Province, be appropriated and applied for the space of seven years, to commence from the said five and twentieth day of March, one thousand seven hundred and thirty-one, to the charge of surveying and laying out townships, and to the purchasing of tools, provisions and other necessities, for any poor Protestants that shall be desirous to settle in the said Province, according to his Majesty's twentieth instruction to his Excellency the Governour; and that the residue of the duties which hereafter shall arise upon the imports of this Province, be appropriated and applied for the space of seven years, to commence from the passing of this Act, towards Appropriation of duties.

A. D. 1731.

payment of the residue of the publick debts now due, and in such manner and order as in and by any Act of the General Assembly hereafter to be made or passed, shall be directed and appointed as aforesaid; the said Act entituled an Act for calling in and sinking the paper bills, or any other Act, to the contrary thereof in any wise notwithstanding.

Part of an Act
repealed.

XXVI. And whereas, by an Act entituled a Declaratory Act concerning the several Acts of Assembly of this Province that are repealed, and also concerning the adjournments of the Commons House of Assembly, it is enacted in the first clause of the said Act that no Act of Assembly of this Province that now standeth or hereafter shall stand repealed by any other Act or clause or paragraph of any Act of this Province, shall be revived by the repealing of such repealing Act, but that the same shall stand repealed and so continue to be always repealed, excepting the same shall by express words of some other Act or Acts of the Assembly of this Province, be revived and enacted to be again of force, any law or custom to the contrary thereof in any wise notwithstanding, and the said clause hath been found inconvenient: *Be it therefore enacted* by the authority aforesaid, that the said first clause of the said Act be and is hereby repealed.

Officers sued
may plead the
general issue.

XXVII. *And be it further enacted* by the authority aforesaid, That if any officer or officers whatsoever, who are required to put this Act or any part thereof in execution, shall happen to be sued for any breach or pretended breach thereof, he and they shall be at liberty to plead the general issue, and to give this Act or any other special matter in evidence for his justification.

Regulations as
to grants and
deeds.

XXVIII. And to the end that no person may hereafter suffer any inconvenience by producing their grants or title deeds before the said auditor, or by registering such grants or memorials of such grants and title deeds, by exposing the defects of such grants or title deeds, *It is hereby enacted and declared*, That no grant, deed of feoffment, deed of bargain and sale, deeds of gift, or other conveyance of any lands or tenements whatsoever, heretofore made, shall be impeached or set aside in any courts of law or equity for want of attornment or of livery and seisin or enrollment thereof, or for that such conveyance hath been made by way of assignment or endorsement on such deeds or grants without other ceremony, nor for any other defect in the form or in the manner of the execution of such deeds or grants, or of the endorsements or assignments thereof, either by the first grantor or in any of the mesne conveyances derived therefrom, so that the right were or would have been in the person conveying, if such defects had not happened in the form of such grants, deeds or conveyances, or in the manner of the execution of the same as aforesaid; provided always nevertheless, that nothing in the last mentioned clause shall extend, or be construed to extend, to suits now actually depending for any lands or tenements in any courts of law or equity, but that the same be and remain in such plight and condition as they would have been if this Act had never passed.

Wives joining
their husbands
in making
conveyances.

XXIX. And whereas, no office or offices have hitherto been established whereby any fine might be passed for barring any feme covert of her right and inheritance, or of her dower or thirds, in any lands or tenements, but such feme coverts have only joined with their husbands in such conveyances, and by the practice of late years being privately examined before the chief justice of the Province have acknowledged that they did freely and voluntarily join with their husbands in such conveyances, without any compulsion, dread or fear of their said husbands, which being certified by the chief justice, the same hath been entered of record in the office of pleas, yet no law hath hitherto passed for establishing and confirming such prac-

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tice, so that such titles may be still deemed defective, *Be it therefore enacted* by the authority aforesaid, that all deeds and conveyances heretofore made, where the wife hath joined with her husband in the conveying of any lands and tenements which were the estate or inheritance of the wife, or for the barring of her dower and thirds, shall be deemed good and effectual in the law to all intents and purposes to bar such feme covert and her heirs of such estate as therein is expressed, so that the right were in such feme covert at the time of making such conveyance, and for the barring of her dower and thirds, where any such estate might accrue to her after the decease of her husband, unless it shall hereafter appear that such feme covert was under some restraint or force at the time of doing thereof; and that all feme coverts who have heretofore joined with their husbands in the conveying of their estates, or for the barring of their dower and thirds of any lands and tenements, and have been privately examined before the Governour or chief justice, or any justice of the court of pleas, or before any commissioners thereto authorized by the Governour or chief justice, and have acknowledged that they did freely join with their said husbands in conveying such their estates and releasing their right thereto, and the same hath been certified by the said chief justice or justices, and recorded in the office of pleas in this Province, that all and every such feme coverts and their heirs, shall and are hereby declared to be effectually barred of their right of, in and to such lands and tenements, from the time of acknowledging the same; and the persons claiming under such conveyances, shall and may hold such lands and tenements against all persons whatsoever, for such terms and estates as were mentioned in such conveyance, where the rights were in such feme coverts at the time of executing such conveyances, or her acknowledging or passing away the same in manner as aforesaid, and for the barring of her dower and thirds where any right of dower or thirds might accrue to her after the decease of her husband; and that the usual method and practice now observed for the barring of any feme covert of her estate or inheritance, or of her dower and thirds, by joining freely and voluntarily with her husband in any conveyance for the purposes aforesaid, and acknowledging the same before the chief justice for the time being, or before any persons by him thereunto authorized, and certified by the said chief justice and recorded in the office of pleas, shall be deemed as effectual and valid in the law to all intents and purposes whatsoever, as any fine passed in due form of law in his Majesty's court of pleas at Westminster for conveying of lands in Great Britain.

XXX. *And be it further enacted* by the authority aforesaid, That the records of all grants in the office of the said auditor general or his deputy, and the records of all grants and deeds duely proved before a justice of the peace, according to the usual method, and recorded or to be recorded in the register's office of this Province, and also the attested copies thereof, shall be deemed to be as good evidence in the law and of the same force and effect as the original would have been if produced, in all courts of law and equity.

XXXI. *And be it further enacted* by the authority aforesaid, That if upon any survey hereafter to be made of any person's lands it shall appear that there are more acres of land contained within the bounds of his plot, or the marked trees or stakes specified in the said plot, than is expressed in the grant or deed by which any person holds the same, that then the person claiming such overplus as being contained or supposed to be contained within the bounds of his plot or marked trees, shall be preferred to a new grant thereof before any other person whatsoever, at the same quit-

Records in Auditor's and Register's office, evidence in law.

Concerning land over measured in former grants.

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rent reserved on his original grant or deed, provided no person hath purchased the same before the passing of this Act; and if it appears that any person hath a less number of acres than by his grant or deed is expressed, that then and in such case he shall pay no more quit-rent than what he shall appear to be possessed of on such new survey, any thing herein before contained to the contrary thereof in any wise notwithstanding; and when there is a less quantity of acres of lands in any person's grant or deed than his grant or deed expresses, such person shall be entitled to a new grant of vacant land to make up the deficiency, at the same quit-rent that is reserved on such grant or deed.

WM. DONNING, *Speaker.**Charlestown, Council Chamber, the twentieth of August, 1731.**Assented to: ROBT. JOHNSON.*

No. 533. *AN ACT* TO REPEAL AN ACT FOR APPOINTING A CHAPEL AT ECHAW, IN THE PARISH OF SAINT JAMES SANTEE, IN CRAVEN COUNTY, AND FOR ERECTING TWO OTHER CHAPELS IN THE SAID PARISH, AND TO PROVIDE THAT THE RECTOR FOR THE TIME BEING OF THE SAID PARISH, DO PREACH AND PERFORM DIVINE SERVICE IN THE ENGLISH TONGUE.

Preamble.

WHEREAS, the Parish of Saint James Santee, in Craven County, is a Parish of large extent, and the habitations of many of the parishioners are remote and too far distant from the Parish Church, we humbly pray your most sacred Majesty that it may be enacted,

One chapel to be built in the lower part of the parish of St. James Santee.

I. *And be it enacted* by his Excellency Robert Johnson, Esq., Governour, by and with the advice and consent of his Majesty's honourable Council, and the Commons House of Assembly of this Province, and by the authority of the some, That one chappel of ease be built and erected in the lower part of the said parish, that is to say, at the point of the dividing of the paths leading to Mr. Jerman's and Santee Savannah, commonly called Mr. Horry's Savannah.

Another in the upper part of the parish.

II. *And be it further enacted* by the authority aforesaid, That one other chappel of ease be built and erected in the upper part of the said parish, some where near the place in the said district commonly known by the name of Mr. Waties's wolf trap.

Duties of the Rector.

III. *And be it further enacted* by the authority aforesaid, That the rector of the parish of Saint James Santee, for the time being, be impowered and he is hereby required to perform all ecclesiastical duties in the said parish, one Sunday at the parish church, the next Sunday at the chapel in the lower district, the third Sunday at the chapel in the upper district of the said parish alternately, in the English tongue, according to the rules and customs of the church of England, and according to the laws and customs of the churches and chapels in other parts of this Province, any law, usage or custom to the contrary in any wise notwithstanding.

IV. And whereas, an Act entitled an Act to erect a parochial chapel in the parish of Saint James Santee, ratified in open Assembly, the twelfth day of June, one thousand seven hundred and fourteen, at that part of the parish commonly called Echaw, and the said chapel having been found by experience to be of small use to the greatest part of the inhabitants of the

said parish, and the chappel to be erected in the lower district of the said parish will much better answer the designs of the said law, *Be it therefore further enacted* by the authority aforesaid, That the aforesaid law, and all things therein contained, be hereby repealed and made void. A. D. 1731.

V. *And be it further enacted* by the authority aforesaid, That Mr. Jonah Collins, Mr. Daniel McGregory and Mr. Elias Horry, be and are hereby appointed commissioners to erect and build the said chapel in the lower district, and that Mr. William Waties, Mr. William Drake and Mr. Thomas Cooper be also appointed commissioners to build the said chapel in the upper district, and the commissioners for the lower chapel have power to draw on the publick treasurer of this Province for the sum of two hundred pounds, for the erecting the lower chapel, and that the commissioners for the upper chapel have also power to draw on the publick treasurer of this Province for the sum of two hundred pounds for erecting the upper chapel; and the said publick treasurer is hereby impowered and required to pay the same accordingly. Commissioners appointed for building the said chapels.

WILLIAM DONNING, *Speaker.*

Charlestown, Council Chamber, the twentieth of August, 1731.

Assented to: ROBT. JOHNSON.

AN ACT FOR CALLING IN, REPRINTING AND EXCHANGING THE PAPER
BILLS OF CREDIT. No. 534.

WHEREAS, the present paper bills of credit current in this Province are now become old, and, by passing from man to man, obliterated, torn and defaced, so that their denominations are very difficult to be distinguished, to the great obstructing of their currency and the prejudice of the possessors of them; we most humbly pray your most sacred Majesty that it may be enacted, Preamble.

I. *And be it enacted* by his Excellency Robert Johnson, Esquire, Governour, by and with the advice and consent of his Majesty's honourable Council, and the Commons House of Assembly, and by the authority of the same, That the Honourable Francis Yonge, Esq., Mr. Roger Saunders and Mr. Othniel Beale, be and are hereby appointed commissioners to put in execution the several powers and authorities herein after mentioned; and shall be sworn and enter into a bond jointly and separately to the publick treasurer of this Province, for the use of the publick, in the penalty of three thousand pounds proclamation money, that they will duly execute the several powers given them by this Act, before they enter on their said office. Commissioners appointed.

II. *And be it further enacted* by the authority aforesaid, That the said commissioners shall have power, and they are hereby authorized, to reprint the sum of one hundred and six thousand five hundred pounds, in bills of credit, and with such devices and stamps as they the said commissioners shall be appointed and directed by his Excellency the Governour, by and with the advice of his Majesty's Council; and they, the said commissioners, are hereby directed to prepare and lay a scheme accordingly before them for their approbation; the lowest bill to be five shillings, and the highest twenty pounds, to be used and disposed of in manner as is herein after directed. To reprint £106,500, in bills of credit.

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The bills to be indented and numbered.

III. *And be it further enacted* by the authority aforesaid, That all bills printed by virtue of this Act shall be indented, and the counterpart of the indenture kept on files, and that each of the said bills shall be numbered, and the counterpart of each bill shall have the same number as the bill, to the intent that if any person shall suspect any of the said bills to be counterfeited, rased or altered, such person may compare the indenture of the said bill with the counterpart thereof; and the said commissioners are hereby required to lodge the files of counterparts in the hands of the publick treasurer of this Province, to be produced to any person that shall desire to compare any of the aforesaid bills therewith, without fee or reward; and the said bills, and each and every of them, shall also be signed by the said commissioners, who shall cause each of the said bills to be stamped with the value or denomination thereof, and shall take all such further and other necessary ways and means to prevent the said bills from being counterfeited, as they in their discretion shall think fit.

Said bills to be current in all payments.

IV. *And be it further enacted* by the authority aforesaid, That all and every the aforesaid bills of credit, to be printed by virtue of this Act, shall be current in all payments for the sum of money therein mentioned, and shall be taken and deemed a good tender in law; and in case any person or persons shall refuse to accept any of the said bills, being tendered in payment, that the person or persons who shall have tendered the same may, on any action brought for the sum so tendered, give such tender, refusal, and this Act, in evidence, on the general issue pleaded, which shall be taken and deemed as an absolute discharge of the said debt, and shall perpetually bar the plaintiff from recovering such sum so tendered as aforesaid.

Counterfeiting the bills, made felony.

V. *And be it further enacted*, That any person or persons whatsoever that shall counterfeit, rase or alter any of the said bills, so to be reprinted and issued out by virtue of this Act, or shall offer the same in payment, knowing the same to be counterfeited, rased or altered, and every person and persons that shall assist, abet or procure the counterfeiting, raseing or altering such bills, being thereof duely convicted, are hereby declared and deemed to be guilty of felony, and shall suffer death as felons, without the benefit of the clergy.

Commissioners to exchange the new bills for the old.

VI. *And be it further enacted*, That as soon as the said new bills are reprinted, signed and fit to be issued, the said commissioners shall call in all the bills now outstanding, and the said commissioners shall exchange the said new bills for the old, and shall give publick notice under their hands of the place where they keep their office for exchanging the same, and times when they sit to exchange the said bills; and shall enter into a book to be kept for that purpose the name of the person bringing in any bills, and the sum brought in, in the presence of the party bringing in the same, and shall put the bills so brought in on a file or bundle; and the said commissioners are hereby impowered to deliver unto the proprietors of the old bills, new bills, in value equal to the old bills.

The old bills to be called in and burnt.

VII. *And be it further enacted* by the authority aforesaid, That all the old bills that shall be received by the said commissioners, and filed or bundled according to the direction of this Act, shall be by the said commissioners burnt, in the presence of his Excellency the Governour, or the Governour or Commander-in-chief for the time being, and any two of his Majesty's Council, and in the presence of a committee to be appointed by the Commons House of Assembly: and that after the first day of June, one thousand seven hundred and thirty-two, none of the bills now outstanding shall be a lawful tender or of value to any person whatsoever.

VIII. *And be it further enacted* by the authority aforesaid, That upon exchanging the new bills for the old, if it shall so happen that there are more new bills stamped than there are brought in old bills, that then the said commissioners shall pay the remaining part unto the publick treasurer, for the use of this Province. A. D. 1731.
Bills unexchanged to be paid to Treasurer.

IX. *And be it further enacted* by the authority aforesaid, That each of the said commissioners shall be allowed for their service in execution of this Act, the sum of five hundred pounds, to be paid them out of the publick treasury of this Province. Commissioners allowed £500.

WILLIAM DONNING, *Speaker.*

Charlestown, Council Chamber, the twentieth of August, 1731.

Assented to: ROBT. JOHNSON.

AN ACT FOR APPOINTING AN AGENT TO SOLICIT THE AFFAIRS OF THIS PROVINCE IN GREAT BRITAIN. No. 535.

WHEREAS, there are many great and important affairs depending at this time before the General Assembly of this Province, to be represented, solicited and transacted in Great Britain, which cannot be effectually done without an Agent to be appointed for that purpose; and whereas the General Assembly of this Province have thought Peregrine Fury, Esquire, to be a proper person to be appointed Agent for the said purposes; wherefore, we beseech your most sacred Majesty that it may be enacted, Preamble.

I. *And be it enacted* by his Excellency Robert Johnson, Esquire, his Majesty's Governour, Captain General and Commander-in-chief in and over this Province, by and with the advice and consent of his Majesty's honourable Council and of the Commons House of Assembly, now met at Charlestown, and by the authority of the same, That the said Peregrine Fury be and he is hereby declared, nominated and appointed Agent, to represent, solicit and transact the affairs of this Province in Great Britain. Peregrine Fury appointed.

II. *And be it further enacted* by the authority aforesaid, That the said Peregrine Fury shall and he is hereby authorized and empowered to follow and pursue all such instructions as he shall from time to time receive from the General Assembly of this Province, or from the Committee hereafter appointed to correspond with him. His duty.

III. *And be it further enacted* by the authority aforesaid, That John Lloyd, Esquire, Mr. Charles Pinckney, Mr. Othniel Beale, Mr. Paul Jennys, Mr. Robert Yonge and Mr. Nathaniel Broughton, and the Honourable Francis Yonge and John Fenwick, Esquires, members of his Majesty's Council, or any three of them, one of which always to be of the Council, be and they are hereby nominated and appointed a Committee, to correspond with the said Peregrine Fury, and to give him such orders and instructions as they shall judge for the service of this Province, with the approbation of his Excellency the Governour, or the Governour or Commander-in-chief for the time being—the General Assembly not then sitting. Committee of Correspondence.

IV. *And be it further enacted* by the authority aforesaid, That there shall be allowed and paid unto the said Peregrine Fury, for his agency, from the twenty-ninth day of September next ensuing until the twenty ninth day of September which will be in the year of our Lord one thou- Agent's salary.

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sand seven hundred and thirty-two, the sum of one hundred pounds sterling, of good and lawful money of Great Britain, over and besides his reasonable charges and disbursements, on his application to the several boards and offices, on transacting the affairs of this Province.

Clerk appointed, salary £50.

V. And whereas, it is necessary that there should be a Clerk allowed to the said Committee of Correspondence, to draw, copy out, and transcribe all letters and papers which may be thought necessary to the said Agent by the said committee; *Be it therefore enacted* by the authority aforesaid, That the said committee have power, and they are hereby empowered, to nominate and appoint a Clerk, who shall be allowed any sum not exceeding fifty pounds current money of this Province, to be paid out of the money to be appropriated for contingencies, for his services.

VI. *And be it further enacted* by the authority aforesaid, That the said Peregrine Fury shall be and continue Agent of this Province for one whole year, to commence on the twenty-ninth day of September next ensuing.

WILLIAM DONNING, *Speaker.*

Charlestown, Council Chamber, August 20, 1731.

Assented to : ROBT. JOHNSON.

No. 536. *AN ACT* FOR RAISING THE SUM OF TWENTY-SEVEN THOUSAND NINE HUNDRED AND FIVE POUNDS, FOR DEFRAYING THE CHARGES OF THE GOVERNMENT FOR ONE YEAR, COMMENCING THE TWENTY-FIFTH DAY OF MARCH, ONE THOUSAND SEVEN HUNDRED AND THIRTY-ONE, AND ENDING THE TWENTY-FIFTH DAY OF MARCH, ONE THOUSAND SEVEN HUNDRED AND THIRTY-TWO.

Preamble.

WHEREAS, it appears upon an estimate made of the charges of this Government, that the sum of twenty-seven thousand nine hundred and five pounds, in the present currency, will be wanting for defraying of the same; we therefore pray your most sacred Majesty that it may be enacted,

A tax of £27,905, currency, imposed.

I. *And be it enacted* by his Excellency Robert Johnson, Esq., Governour, by and with the advice and consent of his Majesty's honourable Council, and the Assembly of this Province, and by the authority of the same, That a tax or sum of twenty-seven thousand nine hundred and five pounds current moneys of this Province, be imposed and levied on the several inhabitants thereof; that is to say, the sum of twenty shillings per head on all negroes and other slaves; the sum of four thousand six hundred and fifty pounds sixteen shillings and eight pence, being one sixth part of the said twenty-seven thousand nine hundred and five pounds, on the merchants and inhabitants of Charlestown; and the residue of the said sum of twenty-seven thousand nine hundred and five pounds, on all lands and town lots throughout the said Province, without the limits of Charlestown plat, rateably and proportionably, according to the value of such lands and lots respectively.

Details of the tax.

II. *And be it further enacted* by the authority aforesaid, That all persons whatsoever who are possessed of any lands or slaves in this Province, either in their own right or in the right of any other person, or are

liable to pay any tax by virtue of this Act, shall, on or before the second Tuesday in November next ensuing, render a particular account thereof in writing to the inquirers of the several parishes and places respectively where the person who is to render such account does live and reside, and at such times and places as the said inquirers, or any two of them, shall direct or appoint for the doing thereof, so that the same be done before the said second Tuesday in November next; and the person so rendering in his account shall give in to the said inquirers the number of his slaves, the particular quantity of each tract, and the parish and most noted place where situate, and the best description of the quantity and quality of such land, as near as he can, which being done, the said inquirers shall proceed to value such land at a reasonable selling price, according to the best of their judgement and information; and the said inquirers shall make a fair return of all such accounts of such slaves and lands, and at what rate such lands are valued, in writing, under their hands, in proper columns, to the commissioners hereafter to be appointed in Charlestown for that purpose, on or before the second Tuesday in December next, to the end that the whole value of the lands in this Province being known, the said commissioners may apportion the residue of the said sum of seven thousand nine hundred and five pounds, according to the value of the lands to them returned; and no inquirer shall receive or return any person's account of lands in gross, unless where two or more tracts belonging to the same person do join each other, nor shall the said inquirers inquire of or value any improvements of houses or buildings, made on any lands or plantations out of the limits of Charlestown plat, nor shall they value such lands or plantations any more for such buildings or other improvements made thereon.

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Landholders to
render an
account to the
inquirers.

Duty of the
inquirers.

III. *And be it further enacted* by the authority aforesaid, That the several persons hereafter named shall be inquirers for the several parishes hereafter mentioned respectively, viz: for the parish of St. Philip's Charlestown, within the limits of the town plat, Mr. James Paine, Mr. James Crokatt and Mr. Jacob Woolford; for the parish of St. Philip's, Charlestown, without the limits of the town plat, Mr. Daniel Carteret, Mr. Joseph Pendarvis and Mr. Charles Burnham; for the parish of Christ Church, Mr. John Vanderhorst, Mr. John Huggins and Mr. Thomas Barksdale; for the parish of St. James Goose Creek, Mr. William Dry, Mr. Peter Taylor, Mr. John Parker, Mr. Peter Porchard and Mr. Zachariah Villepontoux; for the parish of St. John's, Mr. James Le Bas, Mr. William Greenland, Mr. Peter Saint Julien, Mr. John Harleston and Mr. Francis Lejeau; for the parish of St. George's, Mr. John Skene, Mr. Richard Waring, Mr. John Postell, senior, Mr. Walter Izard and Mr. Charles Barker; for the parish of St. Thomas and St. Dennis, Mr. John Stewart, Mr. William Pool, Mr. Henry Joseph Videau, Mr. Michael Darby and Mr. Thomas Akin; for the parish of St. Andrew's, James Island excluded, Mr. Francis Ladson, Mr. Richard Butler and Mr. Thomas Butler, and for that part of the parish called James Island, Colonel Arthur Hall and Mr. William Chapman; for the parish of St. Paul's, that is to say, for John's Island, Mr. John Stanyarn and Mr. Isaac Waite; for Wadmellaw Island, Mr. Samuel Underwood and Mr. William Stanyarn; and for Edisto Island, Mr. Charles Odinsal and Mr. Paul Hamilton; for Stono and the east side of Pon-pon, Captain John Bull, Mr. Henry Hyrne, Mr. John Bee, junior, Mr. Moses Graves and Mr. Moses Way; for the parish of St. Bartholomew, Mr. Henry Jackson, Mr. Joseph Dedcott, Mr. John Jackson, Mr. James Ferguson and Mr. Thomas Burr; for the parish of St. James Santee, Mr. Thomas Cooper, Mr. John Gendron, Mr. Peter Robert, Mr. Noah Sere and Mr.

Inquirers
nominated.

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William Bohannon; for the parish of Prince George Winyaw, Mr. Richard Smith, Mr. George Pawley, Mr. John Thompson, late Indian trader, Mr. Meredith Hughes and Mr. William Swinton; for the parish of St. Helena, Mr. Joseph Bryan, Mr. William Hazard, senior, Mr. Nathaniel Barnwell, Mr. Randall Evans and Mr. John Frip, senior.

Assessors
appointed.

IV. *And be it further enacted* by the authority aforesaid, That Mr. William Yeomans, merchant, Mr. Robert Brewton, Mr. Gabriel Mannigault, Mr. Robert Austin and Mr. Isaac Chardon, be and are hereby appointed assessors for the parish of St. Philip's Charlestown, within the limits of the town plat; and that Alexander Parris, Esq., publick treasurer, be collector and receiver for the parish of St. Philip's Charlestown, both within and without the limits of the said town plat; and that the several persons following, respectively, shall be collectors for the several parishes and places herein after respectively named—that is to say, for the parish of Christ Church, Mr. George Benson and Mr. Samuel Wigfall; for the parish of St. James Goose Creek, Mr. Job Rothmahler and Mr. John Oldfield; for the parish of St. John's, Hugh Butler, Esq. and Mr. Robert Taylor; for the parish of St. George, Colonel Joseph Blake and Mr. John Williams; for the parish of St. Thomas and St. Dennis, Mr. John Daniel and Mr. James Maxwell; for the parish of St. Andrew, James Island excluded, Mr. William Cattle and Mr. Thomas Elliot, son of Mr. William Elliot; for that part of the said parish called James Island, Mr. William Wilkins; for the parish of St. Paul, that is to say, for John's Island, Mr. John Gibbs; for Edisto Island, Mr. Richard Stevens; for Wadmelow Island, Mr. Moses Wilson; for the north end of the said parish, called Beech Hill, Mr. Joseph Smith; for Stono and the east side of Pon-pon, Mr. Thomas Elliot, son of Thomas Elliot, and Mr. William Stobee; for the parish of St. Bartholomew, Captain Thomas Boon and Mr. Joshua Saunders; for the parish of St. James Santee, Mr. Isaac Legrand, Mr. James Guery and Mr. John Coachman; for the parish of Prince George Winyaw, Mr. John Wallis, Mr. Daniel Laroch and Mr. William Brockinton; for the parish of St. Helena, Colonel John Beamor and Mr. Thomas Wigg.

Commissioners
appointed.

V. *And be it further enacted* by the authority aforesaid, That Alexander Parris, Esq., publick treasurer, and the publick treasurer for the time being, Mr. Thomas Lamboll and Mr. Richard Hill, be and are hereby appointed commissioners for receiving all the returns of the inquirers of lands without the limits of Charlestown plat, any two whereof shall be a quorum; and the said commissioners shall meet on the second Tuesday in December next, at the house of Colonel Miles Brewton, in Charlestown, and there sit *de die in diem*, Sundays excepted, in order to apportion the residue of the said sum of twenty-seven thousand nine hundred and five pounds, according to the value of the lands to them returned, and to assess the same suitably and proportionably thereon, and shall not adjourn unless it be to some other place in Charlestown, until they have finished their said assessment; and if the said commissioners shall see cause to adjourn to some other place in Charlestown, the same shall be done with the consent of a quorum of them, and not otherwise.

Duty of the
Commissioners.

VI. *And be it further enacted* by the authority aforesaid, That the said commissioners, as soon as they have finished their assessment, shall cause two fair transcripts to be made of such assessment for each parish and place, in proper columns, containing the person's name, the number of negroes, the sum or amount of such negroes at twenty shillings per head, the particular parcels or tracts of land, where situate, the particular values returned by the inquirers, the particular assessments thereon by them apportioned, the total assessment on such person's lands,

and total sum rated on lands and slaves of each person, the time when payable, and such further and other proper distinctions as by them shall be thought necessary, the one of which transcripts, signed by the said commissioners, shall be kept by the said Alexander Parris, Esquire, publick treasurer, and the publick treasurer for the time being; the other they shall post at each parish church respectively where the same tax is payable, and for want of such parish church, at some noted place in such parish, one calendar month at least before such tax is payable, to the end all persons concerned may have due notice thereof.

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VII. *And be it further enacted* by the authority aforesaid, That all persons whatsoever who are possessed of any lands or slaves in this Province in their own right or in the right of others, or are otherwise liable to pay any tax by virtue of this Act, shall pay in their taxes to the several persons hereby appointed to receive the same, on or before the twenty-fifth day of March now next ensuing, or within twenty days then next after at farthest, at which time the said collectors for the several parishes without the limits of Charlestown plat shall close their accounts, and transmit the same, in twenty days then next after, to the said Alexander Parris, Esquire, publick treasurer, and the publick treasurer for the time being, with the names of the persons who have made default; and all and every person whatsoever liable to pay any tax by virtue of this Act shall, at the time of giving in their accounts to the several inquirers, respectively, take the following oath, who are hereby impowered to administer the same: I, A. B., do swear that the account I now give in is a just and true account of all the lands and slaves which I am any ways possessed of, interested in, or entitled unto in the parish or precinct wherein I now live, or in any other parish or part of this Province, either in my own right, or as executor, administrator, guardian or attorney, to or in trust for any other person or persons whatsoever; and this I declare without any equivocation or mental reservation whatsoever. So help me God. And a majority of the said inquirers for each parish or district respectively, shall likewise value each other's lands in the same manner as they do the land of others; and shall at the same time of returning in such accounts to the said commissioners give in an account in writing of their own slaves and land so valued, after the manner above directed on oath, and pay in their tax to the said collectors respectively at the time appointed.

When taxes are to be paid.

Oath to be taken.

VIII. *And be it further enacted* by the authority aforesaid, That if any person or persons, in giving in or rendering his account of lands and slaves as aforesaid, shall wilfully or voluntarily conceal any part thereof, all such persons shall forfeit all and every part of real and personal estate so concealed, one half to his Majesty for the support of this Government, and the other half to him or them that will sue for the same by action of debt, bill, plaint or information, to be brought in any court of record in this Province, wherein no essoin, protection, priviledge, *nolle prosequi* or wager of law shall be allowed or admitted of.

Inquirers to value each other's land.

IX. *And be it further enacted* by the authority aforesaid, That any person neglecting or refusing to give such account to the inquirers aforesaid respectively, at such time and place as they shall appoint, or by the said second Tuesday in November next after the passing of this law at the farthest, he shall be returned by the said inquirers and collectors as a defaulter, and shall be rated according to the discretion of the inquirers.

Penalty on neglect or refusal.

X. And whereas, divers inhabitants living without the limits of Charlestown plat are possessed of divers houses and town lots, and parts of lots within the same, *Be it therefore enacted* by the authority aforesaid, That

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Non-resident
owners of
houses and lots
in Charlestown.

all persons possessed of such houses or town lots or parts of lots, do give in and return an account thereof in their own proper person, on oath, the number of the said lots, or in what parts of the said town the said houses or town lots lie, to the collector of the tax in Charlestown, some time before the second Tuesday in November next after the passing of this Act, to the intent the assessors of Charlestown may proceed on their assessment by the time required of them by this Act; and all such persons shall be rated for such lots as if they were actually resident in Charlestown; and all town lots and the improvements thereon within the limits of Charlestown plat shall be rated at the discretion of the assessors in Charlestown.

Inquirers for
Charlestown,
their duty.

XI. *And be it further enacted* by the authority aforesaid, That the inquirers for Charlestown are hereby directed and ordered to inquire into and take an account of all such real estates and slaves of the inhabitants living and residing within the limits of Charlestown plat, which they shall be possessed of, interested in or entitled unto, either in their own right or in the right of any other person whatsoever, which are lying or being within the limits of the said town plat, and of all the lands and slaves which the said inhabitants of Charlestown are possessed of without the limits of the same, or in any other part of the Province. And the said inquirers shall make and finish their inquiry, and return the same to the assessors hereby appointed for Charlestown, on or before the said second Tuesday in December next. And the said inquirers for Charlestown shall likewise extract and certify to the said commissioners in Charlestown all the lands to them given in without the limits of Charlestown, with the values by them set thereon, in order to apportion the residue of the said sum of twenty-seven thousand nine hundred and five pounds, according to the value of such lands as before directed: and the said lands and slaves without the limits of Charlestown plat, though owned by persons living in Charlestown, shall be reckoned as part of the country tax; provided always nevertheless, that nothing herein before contained shall extend to or be construed to give the said assessors for Charlestown any power or authority in assessing any such goods, wares, merchandizes or effects as shall be consigned immediately to any merchants or factors in this Province, to dispose of as factors only; except also, the effects of transient persons who have not resided within this Province three calendar months before such inquiry shall begin to be made. And it is hereby declared that the several slaves belonging to the said inhabitants of Charlestown, which have been for six months last past employed by their respective masters in Charlestown, shall be reckoned and accounted that part of the said tax hereby appointed for Charlestown; and that all and every slave as well as their lands belonging to the said inhabitants of Charlestown, which for the most part are employed in the country, shall be reckoned and accounted for in the country tax.

Goods on con-
signment not
liable to the tax.

Storekeepers to
be rated where
they live.

XII. *And be it further enacted* by the authority aforesaid, That the storekeepers living and residing in the country shall be rated by the inquirers in the several parishes where they live for their stores, after the rate of the assessment for such stores of goods in Charlestown, and the moneys arising by the assessment of such stores shall be paid to the publick treasurer, in order to be included in the country tax. And in such parishes where one of the inquirers shall happen to be a storekeeper, the other inquirer shall and is hereby empowered to assess and rate such storekeeper as the other storekeepers in the country are rated and assessed at.

Appeal allowed

XIII. *And be it further enacted* by the authority aforesaid, That if any person shall think his land to be over valued by the inquirers, he shall be at liberty to swear off so much as he thinks he is over valued, before the

said inquirers, in the country or Charlestown respectively, at a time to be by them prefixed for that purpose. And that every person, as well inhabitants of Charlestown as storekeepers in the country, who shall have reason to believe he is overrated for his stores, shall have ten days public notice given by the assessors or inquirers at the watch-house in Charlestown, or in other public places in the country for that purpose, to swear off so much as he is overrated before the said assessors or inquirers aforesaid, who are hereby empowered to administer such oath and allow of an abatement accordingly.

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XIV. *And be it enacted* by the authority aforesaid, That the said assessors for Charlestown, upon receiving the returns of the inquirers of Charlestown, shall administer unto them the following oath: You, A., and B., C. D. and E. F., do swear, that the account you now give in is a just and true account of all the real estates and slaves of the several inhabitants of Charlestown, lying within and without the limits of the said town plat, according to the best of your knowledge. So help you God.

Inquirer's oath on making return.

XV. *And be it further enacted* by the authority aforesaid, That the said inquirers for Charlestown, at the same time, shall render an account to the said assessors of their own real estates and slaves, lying and being within and without the limits of the said town plat, and take the same oath before the assessors, *mutatis mutandis*, as they are directed to administer to the other inhabitants of Charlestown.

Inquirers shall make return of their own property.

XVI. *And be it further enacted* by the authority aforesaid, That the said assessors for Charlestown are hereby authorized, empowered and required to rate and assess the said sum of four thousand six hundred and fifty pounds sixteen shillings and eight pence, being the one sixth part of the said tax or sum of twenty-seven thousand nine hundred and fifty pounds, on the real and personal estates, stocks and abilities of the inhabitants of Charlestown, and others interested in the said town as aforesaid, rateably and proportionably according to the best of their skill and judgments; and any two of the said assessors shall be a quorum, and shall meet at the house of the said Colonel Miles Brewton on the third Tuesday in December next, and there to continue to finish the assessment for Charlestown, or adjourn to any more convenient place in or near Charlestown, as they shall see fit; and the assessors shall finish and complete the said assessment for Charlestown on or before the first day of February next, and return a duplicate thereof, under their hands, unto the said publick treasurer in Charlestown, who shall cause another duplicate thereof to be posted at the publick watch-house in Charlestown, in seven days after his receiving the same from the hands of the said assessors.

Assessors for Charlestown—their duty.

Two to be a quorum.

Assessment to be finished by 1st February.

XVII. *And be it further enacted* by the authority aforesaid, That the assessors for Charlestown shall, before they enter on the execution of their office, take the following oath before one of his Majesty's justices of the peace, who shall give him a certificate of his so doing: I, A. B., do sincerely swear, that I will indifferently, equally and impartially rate and assess all and every person to me returned to be assessed by the inquirers of Charlestown, for that purpose appointed, according to the directions to me given by this Act, and according to the best of my skill and knowledge. So help me God.

Oath of the assessors of Charlestown.

XVIII. *And be it further enacted* by the authority aforesaid, That in case the said assessors for Charlestown shall find any mistakes in the return of the inquirers, the said assessors shall not be so strictly bound to the said returns but they may have liberty to proceed according to better information and knowledge; but if any man's tax doth not exceed five shillings current money, he shall not be rated or assessed.

May rectify mistakes.

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Assessors to
pay their own
rates before 5th
March.

XIX. *And be it further enacted* by the authority aforesaid, That every person so assessed by the said assessors for Charlestown, shall likewise pay into the hands of the publick treasurer the several sums of money on them respectively rated, on or before the said twenty-fifth day of March next; and in case any person whatsoever shall neglect or refuse to pay in his or their tax at the days and times herein before mentioned and appointed for payment thereof, the said publick treasurer shall, within twenty days after the time fully elapsed, without favour or affection, or further delay, levy the same, by virtue of a warrant signed and sealed by him, directed to the marshal or any constable of the respective parishes or divisions where such defaulter lives or resides, by distress and sale of the defaulter's goods, returning the overplus, if any shall happen to be, to the defaulter, after deducting the reasonable charges; and if no such distress can be found by the said marshal or constable, or if the defaulter shall neglect or refuse to produce goods whereon the monies so assessed may be forthwith levied, then the said marshal or constable, by virtue of the said warrant, shall take the body of such defaulter or defaulters, and bring such person to the common jail in Charlestown; and the marshal aforesaid shall detain such person in the jail aforesaid, without bail or mainprize, until they have satisfied the debt and charges aforesaid.

Marshal may
distrain for
the unpaid tax.

Fees of the
marshal or
constable.

XX. *And be it further enacted* by the authority aforesaid, That the marshal or constable to whom such warrant shall be directed, shall take the following fees in the execution of their office, viz: to the marshal or constable twelve pence current money of this Province, for every twenty shillings so to be levied, and paid to the publick treasurer, and twelve pence current money for every mile, to be computed from the dwelling house of such marshal or constable to the dwelling house or place of residence of such defaulter, and no more or any other fee or fees whatsoever; and the publick treasurer, for every execution he shall issue for levying any part of the tax upon any defaulter, shall from every such defaulter take ten shillings current money.

Publick treasurer may issue
his warrant
against taxables
omitted.

XXI. *And be it further enacted* by the authority aforesaid, That if any taxable person shall neglect to give in his account of his estate to the said inquirers by the second Tuesday in November next, and shall be omitted in the return of the inquirers, and shall have omitted or neglected to pay in his tax by the time before limited, the said publick treasurer, notwithstanding such omission, is hereby impowered and required, as soon as he shall have knowledge thereof, to issue his warrant against such person so omitted, in the same manner as if he had been returned a defaulter; and in case the said publick treasurer shall not have a just information of what such person's tax doth amount to, the said warrant shall run for treble the sum such person was rated in the last tax, and shall be dealt with in all other respects as a defaulter.

May collect
former arrears.

XXII. *And be it further enacted* by the authority aforesaid, That the publick treasurer shall have full and ample power, in all respects, for collecting and getting in arrears of taxes which are or were due by any former law or Act of Assembly, notwithstanding the same be repealed or expired; and the same may be levied and recovered by virtue of any warrant or warrants under the hand and seal of the publick treasurer, in manner as aforesaid.

Taxable dying.

XXIII. *And be it further enacted* by the authority aforesaid, That in case any person shall happen to die between the time of giving in his account to the said collectors or inquirers and the paying in of his tax, and any goods or chattels of the deceased, to the value of the sum he was assessed at, shall come to the hands of his executors or administrators, or

any executors in their own wrong, such executors or administrators shall pay the same by the time before limited prior to all mortgages, judgments and debts whatsoever, (debts due to his Majesty excepted) or otherwise a warrant or execution shall issue against the proper goods of such executor or administrator; and if any person, between the time limited for rendering the account of his estate to the collectors or inquirers aforesaid, and the time of paying in his tax, shall be about to depart this Province, the said publick treasurer is hereby required and impowered forthwith to levy the same, notwithstanding the days of payment are not then already come, unless such person will find sureties to the liking of the said publick treasurer for payment thereof at the time appointed.

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Executors, &c.
liable.Taxables
removing.

XXIV. *And be it further enacted* by the authority aforesaid, That all deeds of gifts, conveyances, mortgages, sales, or assignment of lands and tenements, goods and chattels of any persons whatsoever, made with an intent to avoid his being assessed or paying his tax, are hereby deemed and declared to be fraudulent, and null and void to all intents and purposes whatsoever.

Deeds in fraud
of this Act
declared void.

XXV. *And be it further enacted* by the authority aforesaid, That in case any person who has mortgaged any part of his real and personal estate shall refuse or neglect to pay tax for the same, the mortgagee shall be answerable and subject to pay the sums assessed on the mortgagor, provided such real or personal estate is in the possession and occupation of the mortgagee.

Mortgagor
making default,
mortgagee
liable.

XXVI. *And be it further enacted* by the authority aforesaid, That the said publick treasurer and collectors, inquirers, assessors, marshal or constables, and every other magistrate or officer, that shall neglect or refuse to do and perform the several matters hereby required of them respectively, to be done and performed within the time prescribed by this law, shall for every such neglect or refusal forfeit the sum of one hundred pounds current money, to be recovered in any of his Majesty's courts of record in Charlestown, the one half to his Majesty, his heirs and successors for the support of this government, and the other half to him or them that will sue for the same by action of debt, bill, plaint or information, wherein no essoin, protection, *nolle prosequi* or wager of law shall be allowed or admitted of.

Penalty for
neglect of duty
in the officers
hereby
appointed.

XXVII. *And be it further enacted* by the authority aforesaid, That in case any of the collectors, inquirers or assessors before mentioned in this Act shall happen to die, refuse to act, or depart this Province before they have executed the powers and authorities hereby given them, that then his Excellency the Governour or the commander-in-chief for the time being is hereby impowered to nominate and appoint another fit person in the room of him so dying, going off or refusing to act; and the person so appointed shall have the same powers, and be under the same penalties as the collectors, inquirers or assessors hereby nominated.

Officers dying

XXVIII. *And be it further enacted* by the authority aforesaid, That the publick treasurer and the publick treasurer of this Province for the time being, be and is hereby impowered to grant immediate executions against the provost marshal and the provost marshal for the time being, and all former provost marshals, and in case of their decease, against their executors and administrators where there is assets for all arrears of taxes due and owing to the publick of this Province, and also against all former constables and collectors of taxes and collectors of taxes for the time being, for all taxes now or hereafter to grow due, when the time is or shall be elapsed for the paying in the same, and also against all and every person and persons whatsoever, for all taxes due or to grow due to the publick of

Public treasurer
may
proceed against
the marshals
and constables

A. D. 1731. this Province, after the times for paying in the same are or shall be fully expired.

Public treasurer suing improperly, liable to an action at law.

XXIX. *And be it further enacted* by the authority aforesaid, That in case the said publick treasurer or the publick treasurer for the time being, shall grant any execution or executions against any of the said provost marshals or provost marshal, or the provost marshals for the time being, or against any former collector or collectors, or the collector or collectors for the time being, where there is nothing due, or for any more moneys than is come to their hands, or against any person as a defaulter who hath *bona fide* paid in his tax to the said provost marshal or collector, and is returned to the publick treasurer as paid by the collector or provost marshal, it shall and may be lawful to and for such provost marshal, collector and other person against whom such execution is wrongfully granted, to maintain an action at law against such publick treasurer, and recover double damages and treble costs of suit.

Taxables wrongfully charged.

XXX. *And be it further enacted* by the authority aforesaid, That where any collector or collectors shall neglect to make due returns of the moneys by him received, or return any person as a defaulter who had paid in his tax to the collector, and the person paying in his tax to such collector shall suffer any damage thereby, all and every person so injured shall have like damages and costs against such collector as before is given against the said publick treasurer or receiver.

Officers sued may give this act in evidence.

XXXI. *And be it further enacted* by the authority aforesaid, That if any inquirer, assessor, collector, provost marshal, publick treasurer or other officer or person whatsoever, shall happen to be sued for any matter or thing whatsoever by him or them done in execution of this Act, it shall and may be lawful for all and every such inquirers, collectors, assessors, provost marshals, publick treasurers and other persons, to plead the general issue and give the special matter and this Act in evidence, and in case a verdict pass for the defendant or defendants, he or they shall recover double costs of suit.

Appropriation of the sum raised under this Act.

XXXII. And whereas, the tax for the current year will amount to the sum of twenty-seven thousand nine hundred and five pounds, *Be it therefore enacted* by the authority aforesaid, That the aforesaid sum of twenty-seven thousand nine hundred and five pounds shall be appropriated, applied and paid by the publick treasurer, by orders of the General Assembly, as usual, and not otherwise ; that is to say, to the captain of the Rangers pay, established formerly, per annum, two hundred and forty pounds ; to the serjeant, one hundred and sixty-eight pounds ; twenty men, at twelve pounds per month each, finding themselves provisions, two thousand eight hundred and eighty pounds ; Fort Moore, per former establishment, viz : captain, per annum, three hundred pounds ; lieutenant, one hundred and sixty-eight pounds ; serjeant, one hundred and fourteen pounds ; twenty-four men, at seven pounds per month, two thousand and sixteen pounds ; provisions for said garrison, at thirty-two pounds per man, per annum, eight hundred and sixty-four pounds ; Fort Prince George, the captain's pay, three hundred pounds ; lieutenant, one hundred and sixty-eight pounds ; serjeant, one hundred and fourteen pounds ; fourteen men at seven pounds per month, one thousand one hundred and seventy-six pounds ; provisions for ditto, at thirty-two pounds per man, five hundred and forty-four pounds : one scout boat, the commander at fifteen pounds per month, one hundred and eighty pounds ; ten men at eight pounds per month, nine hundred and sixty pounds ; provisions, at twenty-five pounds per annum, two hundred and seventy-five pounds : Johnson's Fort, the captain, per annum, two hundred pounds ; six men, at six pounds

per month, four hundred and thirty-two pounds; provisions, 40s. per month each man, one hundred and sixty-eight pounds: Parochial charges, twelve parishes, at forty pounds per annum, four hundred and eighty pounds; St. Philip's Charlestown, fifty-five pounds: the Armourer and Gunner of Charlestown, three hundred and twenty-five pounds; to the Clerk of the Assembly, per annum, six hundred pounds; rent of a house for the Assembly, two hundred pounds; to the Receiver of the Tax, three hundred pounds; repairs of eight parsonage houses, viz. Santee, Christ Church, St. John's, Goose Creek, St. George, St. Andrew, St. Paul's, St. Bartholomew, at one hundred pounds per annum, eight hundred pounds; to the Commissary's salary, four hundred pounds; to his Excellency the Governor, three thousand five hundred pounds; for his house rent, eight hundred pounds; to encourage a Printer coming into this Province, one thousand pounds; to William Waties, £300; to Col. Glover, £208; to three commissioners for reprinting the bills, five hundred pounds each; to the Messenger of the House of Commons, two hundred and fifty pounds; to the Reverend Mr. Winteley, as minister of Savana Garrison, for one year, to commence from the second of July, one thousand seven hundred and thirty-one, five hundred pounds; contingencies, for which general orders may pass, bullets and flints for the Rangers, thirty pounds; for tools, necessities and freight of goods for Fort Moore, five hundred pounds; tools and necessities for Fort Prince George, one hundred and fifty pounds; necessities for one scout boat, one hundred and fifty pounds; necessities for Johnson's Fort, one hundred and fifty pounds; the Secretary, for writings, five hundred pounds; to the Clerk of the Assembly for writings, four hundred pounds; Coroner's fees, one hundred pounds; orders for beasts of prey, forty pounds; charge of plates and printing the new bills, one thousand pounds; to unforeseen contingencies, one thousand pounds; to the Agent's salary in Great Britain, for one year, seven hundred pounds; to the Chief Justice, for one year, seven hundred pounds.

A. D. 1731

WILLIAM DONNING, *Speaker*.

Charlestown, Council Chamber, August 20th, 1731.

Assented to: ROBT. JOHNSON.

AN ACT TO SUPPLY THE DEFECTS IN THE EXECUTION OF AN ACT ENTITLED AN ACT FOR RAISING THE SUM OF TWENTY-SEVEN THOUSAND NINE HUNDRED AND FIVE POUNDS, FOR DEFRAYING THE CHARGES OF THE GOVERNMENT FOR ONE YEAR, COMMENCING THE TWENTY-FIFTH DAY OF MARCH, ONE THOUSAND SEVEN HUNDRED AND THIRTY-ONE, AND ENDING THE TWENTY-FIFTH DAY OF MARCH, ONE THOUSAND SEVEN HUNDRED AND THIRTY-TWO, AND TO GIVE FARTHER TIME TO THE INQUIRERS AND ASSESSORS NAMED AND APPOINTED IN THE SAID ACT TO MAKE THEIR RETURNS.

No. 537.

WHEREAS, in and by an Act of the General Assembly of this Province, entituled an Act for raising the sum of twenty-seven thousand nine hundred and five pounds, for defraying the charges of the Government for one year, commencing the twenty-fifth day of March, one thousand seven

Preamble.

A. D. 1731.

hundred and thirty-one, and ending the twenty-fifth day of March, one thousand seven hundred and thirty-two, among other things it was enacted that all persons whatsoever who are possessed of any lands or slaves in this Province, either in their own right or in the right of any other person, or are liable to pay any tax by virtue of the said Act, should on or before the second Tuesday in November then next ensuing render a particular account thereof in writing to the inquirers of the several parishes and places where the person who was to render such account does live and reside, and at such times and places as the said inquirers or any two of them should direct or appoint for the doing thereof, so that the same be done before the said second Tuesday in November then next; and that the said inquirers should make a fair return of all such accounts of such slaves and lands, and at what rates such lands are valued, in writing, under their hands, in proper columns, to the commissioners in the said Act afterwards to be appointed in Charlestown, for that purpose, on or before the second Tuesday in December next; and that Alexander Parris, Esq., treasurer, and the publick treasurer for the time being, Mr. Thomas Lamboll and Mr. Richard Hill, be, and are appointed by the said Act, commissioners for receiving all the returns of the inquirers without the limits of Charlestown plat, any two whereof should be a quorum; and that the said commissioners should meet on the second Tuesday in December next, at the house of Colonel Miles Brewton, in Charlestown, to do and perform the several acts and things as in and by the said Act is required and appointed for the said commissioners to do and perform: And whereas, through the neglect of transmitting transcripts of the said Act of the General Assembly to the several inquirers and assessors appointed in the several parishes in this Province in due time, the said inquirers did not meet, nor appoint any time to meet, to receive the several accounts of the lands and slaves belonging to the several inhabitants of this Province, on or before the said second Tuesday in November, in the said Act limited and appointed; We therefore pray your most sacred Majesty that it may be enacted,

Time for the
Inquirers to
make returns
enlarged.

I. *And be it enacted* by his Excellency Robert Johnson, Esq., Governour, Captain General and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council, and the Assembly of this Province, and by the authority of the same, That the time for the several inquirers appointed to receive the accounts of the lands and slaves in this Province, be and is hereby enlarged to Tuesday, the eleventh day of January next ensuing; and that the said inquirers, nominated and appointed in and by the said Act, shall and may take and receive the said accounts on or before the said eleventh day of January next. And all persons whatsoever who are possessed of any lands or slaves in this Province, either in their own right or in the right of any other person or persons, or are liable to pay any tax by virtue of the said Act, shall, on or before the said eleventh day of January next, render a particular account thereof in writing to the said inquirers of the several parishes and places respectively where the person who is to render such account does live and reside.

Without the
limits of
Charlestown
plat.

II. *And be it further enacted* by the authority aforesaid, That the time for the said inquirers to make their returns of the accounts of such slaves and lands to the commissioners in Charlestown, be and is hereby enlarged until the twenty-fifth day of January next ensuing; and that the day and time appointed by the said Act for the meeting of the said Col. Alexander Parris, treasurer, and the treasurer for the time being, Mr. Thomas Lamboll and Mr. Richard Hill, commissioners for receiving the returns of the inquirers without the limits of Charlestown plat, be and is hereby enlarged until the said twenty-fifth day of January next.

III. *And be it further enacted* by the authority aforesaid, That the said inquirers, assessors and commissioners, meeting, taking and receiving the accounts, and making their returns on or before the days and times in this Act limited for the same, shall be and is hereby declared to be good and effectual, to all intents and purposes whatsoever, as if the said inquirers, assessors and commissioners had met and taken and received their several accounts and made their proper returns within the respective days and times limited and appointed in the said recited Act, and are and shall be liable to the same forfeitures and penalties, in case of neglect or refusal to act, as are mentioned and appointed in the before recited Act; any thing in this or the said Act to the contrary thereof in any wise notwithstanding.

A.D. 1731.

Valid within
the times pre-
scribed by this
Act.JOHN LLOYD, *Speaker*.*November the twentieth, 1731.**Assented to:* ROBT. JOHNSON.

AN ACT FURTHER TO SUPPLY THE DEFECTS IN THE EXECUTION OF AN ACT ENTITULED AN ACT FOR RAISING THE SUM OF TWENTY-SEVEN THOUSAND NINE HUNDRED AND FIVE POUNDS, FOR DEFRAYING THE CHARGES OF THE GOVERNMENT FOR ONE YEAR, COMMENCING THE TWENTY-FIFTH DAY OF MARCH, ONE THOUSAND SEVEN HUNDRED AND THIRTY-ONE, AND ENDING THE TWENTY-FIFTH DAY OF MARCH, ONE THOUSAND SEVEN HUNDRED AND THIRTY-TWO; AND TO GIVE FURTHER TIME TO THE INQUIRERS AND ASSESSORS NAMED AND APPOINTED IN THE SAID ACT WHO HAVE NOT YET MADE THEIR RETURNS.

No. 538.

WHEREAS, in and by an Act of the General Assembly of this Province, entituled an Act for raising the sum of twenty-seven thousand nine hundred and five pounds, for defraying the charges of the Government for one year, commencing the twenty-fifth day of March, one thousand seven hundred and thirty-one, and ending the twenty-fifth day of March, one thousand seven hundred and thirty-two, among other things it was enacted, by the authority of the same Assembly, that all persons whatsoever who are possessed of any lands or slaves in this Province, either in their own right or in the right of any other person, or are liable to pay any tax by virtue of this Act, shall, on or before the second Tuesday in November (then) next ensuing, render a particular account thereof in writing to the inquirers of the several parishes and places respectively where the person who is to render such account does live and reside, and at such times and places as the said inquirers or any two of them shall direct or appoint for the doing thereof, so that the same be done before the said second Tuesday in November next; and the person so rendering in his account shall give in to the said inquirers the number of his slaves, the particular quantity of each tract, and the parish and most noted place where situate, and the best description of the quantity and quality of such land, as near as he can, which being done the said inquirers shall proceed to value such land at a reasonable selling price, according to the best of their judgment and information; and the said inquirers shall make a fair return of all such accounts of such slaves and lands, and at what rate such lands are valued, in writing,

Preamble

A. D. 1791.

under their hands, in proper columns, to the commissioners thereafter to be appointed in Charlestown for that purpose, on or before the second Tuesday in December then next, to the end that the whole value of the lands in this Province being known, the said commissioners may apportion the residue of the said sum of twenty-seven thousand nine hundred and five pounds according to the value of the lands to them returned; and no inquirer shall receive or return any person's account of lands in gross; and that Alexander Parris, Esq., treasurer, and the treasurer for the time being, Mr. Thomas Lamboll and Mr. Richard Hill, be, and are appointed by the said Act, commissioners for receiving all the returns of the inquirers without the limits of Charlestown platt, any two whereof should be a quorum; and that the said commissioners should meet on the second Tuesday in December then next, at the house of Col. Miles Brewton, in Charlestown, to do and perform the several acts and things as in and by the said Act is required and appointed for the said commissioners to do and perform: And whereas, in and by one other Act of the General Assembly of this Province, entitled an Act to supply the defects in the execution of an Act entitled an Act for raising the sum of twenty-seven thousand nine hundred and five pounds, for defraying the charges of the Government for one year, commencing the twenty-fifth day of March, one thousand seven hundred and thirty-one, and ending the twenty-fifth day of March, one thousand seven hundred and thirty-two, and to give further time to the inquirers and assessors named and appointed in the said Act to make their returns; the time for the several inquirers appointed to receive the accounts of the lands and slaves in this Province was and is thereby enlarged to Tuesday, the eleventh day of January (then) next: And whereas, the inquirers of several of the parishes and districts in this Province, that is to say, the parish of Christ Church, the parish of Prince George Winyaw, the district of James Island, part of Saint Andrews parish, the district of Stono, Beech Hill, and the east side of Pon Pon, part of St. Paul's parish, have not made their respective returns within the time limited in and by the last mentioned Act; And whereas, the inquirers of the parish of St. James Goose Creek and St. George's Dorchester have not made their returns of their respective parishes, agreeable to the direction of the first herein before recited Act, but valued all the lands in their respective parishes at one price, that is to say, the lands in the parish of St. James Goose Creek at eighteen shillings and four pence current money per acre, and the lands of the parish of St. George at ten shillings current money per acre, whereby the good ends and designs of the said Act in taxing the several lands in this Province ad valorem may in a great measure be defeated, we therefore pray your most sacred Majesty that it may be enacted,

I. *And be it enacted* by his Excellency Robert Johnson, Esquire, Governour, Captain General and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honourable Council and the Assembly of this Province, and by the authority of the same, That the time for the several inquirers appointed by the said Act to receive the accounts of the lands and slaves of the several inhabitants of the parish of Christ Church, and the inquirers of the district of James Island, part of St. Andrew's parish, and the inquirers of the districts of Stono, Beech Hill, and the east side of Pon-pon, part of St. Paul's parish, be and is hereby enlarged to the third Tuesday in March next ensuing; and that the said inquirers, nominated and appointed in and by the said Act for the said parish of Christ Church, and the said districts of Stono, Beech Hill, and the east side of Pon-pon,

The time of re-
turns enlarged.

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part of St. Paul's parish, shall and may and are hereby required and empowered to take and receive the said accounts, on or before the third Tuesday in March next; and all persons whatsoever who are possessed of any lands or slaves in this Province, either in their own right or in the right of any other person or persons, or are liable to pay any tax by virtue of the said Act, shall, on or before the said third Tuesday in March next, render a particular account thereof in writing, in such manner as is required by the said Act, to the respective inquirers of the said parish and district of Christ Church, and the district of James Island, part of St. Andrew's parish, the districts of Stono, Beech Hill, and the east side of Pon-pon, part of St. Paul's parish, respectively, where the person who is to render such account does live and reside.

II. *And be it further enacted* by the authority aforesaid, That the time for the said inquirers to make their return of the account of such lands and slaves to the commissioners in Charlestown, be and is hereby enlarged unto the second Tuesday in April next; and that the day and time appointed by the said Act for the meeting of the said Colonel Alexander Parris, treasurer, and the treasurer for the time being, Mr. Thomas Lamboll and Mr. Richard Hill, commissioners for receiving the returns of the inquirers without the limits of Charlestown plat, be and is hereby enlarged until the said first Tuesday in April next.

III. *And be it further enacted* by the authority aforesaid, That the inquirers of the parishes of St. James Goose Creek, and St. George Dorchester, respectively, shall, within seven days next after the ratification of this Act, withdraw the several returns they have made to the commissioners aforesaid, and that the said inquirers shall proceed and value such lands at a reasonable selling price, according to the best of their judgment and information; and the said inquirers shall have power to send for such persons who have not returned the quality of their land, according to law, to make a new return of their lands, pursuant to the direction of the before recited Act, and shall advertise the names of such persons at the parish church, or other the most publick place in the said parishes, respectively, and shall make a fair return of all such accounts of such slaves and lands, and at what rates such lands are respectively valued, in writing, under their hands, in proper columns, to the said commissioners, at Charlestown, on or before the said second Tuesday in April next; and the time for the meeting of the said commissioners, to take and receive the said returns of the said inquirers, be and is hereby enlarged until the said second Tuesday in April, as aforesaid: Provided, no person shall be obliged to return to the said enquirers any lands or slaves which he or she was not possessed of on or before the eleventh day of January last.

IV. And whereas, the inquirers of the parish of Prince George Win-yaw, have taken the returns of the several inhabitants of the said parish, agreeable to the directions of the said herein before first recited Act, but did not make their returns of the same to the commissioners in Charlestown, within the time limited in the said last recited Act, but in all other respects pursued the intention of the said law; *Be it therefore enacted* by the authority aforesaid, That the returns of the said parish of Prince George Win-yaw, shall be reputed and taken in all respects as good, valid, substantial, and effectual in the law, to all intents and purposes whatsoever; and the said commissioners in Charlestown shall proceed to make and proportion their rates and assessments thereon, as if the said returns, and rates and assessments, had been respectively made within the time limited and appointed in the said law for doing the same; any thing in the said Acts, or either of them, to the contrary thereof in any wise notwithstanding.

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V. And whereas, the inquirers for Charlestown, for want of due notice, have not made the returns of their inquiries to the assessors of Charlestown, within the time limited by law for doing the same; *Be it therefore enacted* by the authority aforesaid, That the time for the inquirers of Charlestown to make their returns to the assessors for the said town, and the time for the assessors to make their assessment and return thereon to the commissioners in Charlestown, be and is hereby enlarged to the said third Tuesday in March next; and the said returns, made on or before the said third Tuesday in March next, shall be adjudged, deemed and taken to be good and effectual to all intents and purposes whatsoever, as if the same were made within the days and times respectively limited for the same in the herein before recited Acts, or either of them; any thing in the said Acts or either of them to the contrary in any wise notwithstanding.

Time of pay-
ment of the tax
enlarged.

VI. And whereas, in and by the said first recited Act, it is also enacted, that the said commissioners shall post, in every parish in this Province, a full kalender month before the said tax is payable, an exact list of the assessments of the several inhabitants of the respective parishes; and whereas, by reason of the time enlarged by this Act, the said commissioners will not be able to finish their assessments so as to give such notice a kalender month before the said twenty-fifth day of March, on which the tax is payable; *Be it therefore enacted* by the authority aforesaid, That the time for paying the said tax appointed to be paid by the said first recited Act on or before the said twenty-fifth day of March, be and is hereby enlarged until the twenty-fifth day of May next.

VII. *And be it further enacted* by the authority aforesaid, That the said inquirers, assessors and commissioners, meeting, taking and receiving the accounts of the several persons living and residing within their several and respective parishes and districts, and making their returns on or before the days and times in this Act limited and appointed for the same, shall be and is hereby declared to be good and effectual to all intents and purposes whatsoever, as if the said inquirers, assessors and commissioners, had met and taken and received their several accounts, and made their proper returns within the respective days and times limited and appointed in the said first recited Act for doing the same; and the said inquirers, assessors, commissioners and collectors of the tax, and the several persons living and residing within the said parishes and districts, who are liable by the said Act to pay any tax, are and shall be liable to the same pains, penalties and forfeitures, in case of neglect or refusal to act, or to make their respective returns, as are mentioned, limited and appointed in the said first herein before recited Act; any thing in this, or the said Act, or any other Act, law or usage, to the contrary thereof in any wise notwithstanding.

JOHN LLOYD, *Speaker.*

Charlestown, Council Chamber,

the six and twentieth day of February, 1731.

Assented to: ROBT. JOHNSON.

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No. 539.

AN ACT TO PREVENT ANY DELAY OF JUSTICE THAT MAY BE OCCASIONED BY NOT DRAWING THE JURIES, WHICH ARE TO SERVE AT THE NEXT ENSUING COURT OF COMMON PLEAS, GENERAL SESSIONS OF THE PEACE, OYER AND TERMINER, ASSIZE AND GENERAL GOAL DELIVERY, ON THE DAYS APPOINTED FOR THAT PURPOSE, AND FOR THE REGULATING OF THE SEVERAL COURTS THEREIN MENTIONED.

WHEREAS, in and by an Act of General Assembly of this Province, entitled an Act for confirming and establishing the ancient and approved method of drawing Juries by ballot, among other things it is enacted, and the method and particular times of drawing juries to serve at the Courts of Common Pleas, General Sessions of the Peace, Oyer and Terminer, Assize and General Goal Delivery, in this Province, are therein particularly directed; and whereas, the juries to serve at the next ensuing Court of Common Pleas, General Sessions of the Peace, Oyer and Terminer, Assize and General Goal Delivery, were drawn in open court, during the sitting thereof, in all respects according to the tenour and direction of the said Act of Assembly (the times only excepted); to help which defects, and prevent any delay of justice that may be occasioned thereby, we therefore pray your most sacred Majesty that it may be enacted,

I. *And be it enacted* by his Excellency Robert Johnson, Esq., Governour, Captain General and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council, and the Assembly of this Province, and by the authority of the same, That the juries drawn in open court, as aforesaid, to serve at the next ensuing Court of Common Pleas, General Sessions of the Peace, Oyer and Terminer, Assize and General Goal Delivery, during the sitting of the Court of Common Pleas, held at Charlestown, in November last, shall and may be deemed, held and taken to be good and lawful juries, for trying, hearing and determining all causes which shall come before them, to be heard, tryed and determined at the ensuing Court of Common Pleas, to be holden this February instant; and for trying, hearing and determining all criminal causes that shall come before them to be tryed, heard and determined, at the ensuing General Sessions of the Peace, Oyer and Terminer, Assize and General Goal Delivery, to be held at Charlestown, the third Wednesday in March next ensuing.

II. *And it is hereby enacted* by the authority aforesaid, That the several juries drawn in court, as aforesaid, shall be held, deemed and taken to be good and lawful juries, for the purposes aforesaid: and that the said jurors, so drawn and summoned, according to the tenour of the said Act, shall be liable to the same forfeitures and penalties, in case of neglect or refusal to appear, as are mentioned in the aforesaid Act; any thing in this, or the said Jury Act, contained to the contrary thereof in any wise notwithstanding: Provided nevertheless, that this Act, nor any thing therein contained, shall extend, or be taken to extend, to change or alter any clause, matter or thing in the aforesaid Jury Act contained.

III. *And for preventing the like inconveniencies for the future, Be it further enacted*, That the jurors required by the said recited Act of Assembly to serve the Court of Common Pleas, shall hereafter be drawn by ballot, in open court, pursuant to the directions of the same, on the first, second or third days of the sitting of the Court of Common Pleas, preceding that for which they shall be summoned to serve at; except the

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juries to serve at the next May court, which may be drawn at any time within ten days next after the ratification of this Act; any thing in the said recited Act to the contrary thereof contained in any wise notwithstanding.

IV. And whereas, his Majesty's subjects in this Province who have been obliged to serve on juries, have been long detained in Charlestown, by the frequent and unnecessary adjournments of the Court of Common Pleas, to their great charge, expence, trouble and vexation; for the prevention of the like grievances for the future, *Be it further enacted* by the authority aforesaid, That the said Court of Common Pleas, which hath been for many years last past holden on the second Tuesdays in the months of February, May, August and November, in every year, shall, at all times hereafter, be holden on the same days and times; and the judges and justices of the said court, and all other persons whose attendance are required at the said court, shall sit and meet on the said days respectively, and shall forthwith proceed to do business, and shall diligently attend and sit *de die in diem* until all business that is proper for the inquiry of a jury is dispatched and finished; and when such business is finished, and the jury discharged, it shall and may be lawful for the Judge or Justices of the said Court of Common Pleas to adjourn the said court for any time not exceeding twenty days, nor less than ten days; and when the said court shall meet, after the said adjournment, the said judge or justices shall sit for three days, *de die in diem*, and no longer, to hear and determine all matters of law, and other matters proper for the cognizance of the said court, and not triable or examinable by a jury; and on the last of the said three days, the said justices shall adjourn the said court over to the next sitting in course, on such of the aforesaid Tuesdays in February, May, August and November, as shall then next ensue. And the said Judge or Justices of the said Court of Common Pleas, are hereby required and enjoined to proceed in and hear and determine all causes and matters in the said court that shall come before them, and are proper for their cognizance and jurisdiction, according to the ancient rules and practice of the said court, used, settled and approved, for many years past; and that no alteration, innovation or change shall be made in the rules and practice of the said court, unless it be by the authority of the General Assembly, and by no other authority whatsoever within this Province.

V. And whereas, by the laws now in being, the times appointed for solemn and final hearings in his Majesty's Court of Chancery in this Province, are fixed and confined to the first Thursday after the sitting of the Court of Common Pleas, in every second Tuesday in the months of February, May, August and November, in every year, at which times the said Court of Chancery is obliged to sit *de die in diem* till all business is dispatched, which method hath been found to be attended with many inconveniencies, for that the said court very often interferes with the sitting of the General Assembly, and is an interruption to the publick affairs of this Province, from which his Excellency the Governour and the members of his Majesty's honourable Council are withdrawn, to attend the sitting of the court, and many of the suitors in the said court are often at the same time obliged to attend the Court of Common Pleas, which usually continues to sit during the same week, and becomes a great burthen to the subject, and tends to the delay and hindrance of the administration of publick justice; and whereas, by the nature and constitution of the Court of Chancery, the said court ought always to be open, that the subject may have constant access and speedy justice administered; *Be it therefore enacted* by the authority aforesaid, That the said Court of Chancery shall be always open, and as often as any cause or causes are prepared and

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made fit for hearing, it shall and may be lawful for his Excellency the Governour, or the Commander-in-chief of this Province for the time being, to appoint a time for holding a Court of Chancery, to hear and determine such cause or causes, and shall order the members of his Majesty's Council to be summoned to attend at the time so appointed; and when any court shall be met and assembled, according to such summons, they may adjourn *de die in diem* till such cause or causes are heard or determined; and if the said causes cannot be determined at such time, they may adjourn to any further day, as the nature of the case may require; any former law, usage or custom to the contrary in any wise notwithstanding: Provided always, that there shall be at least fifteen days publick notice given of the sitting of the said court, which notice shall be given by the register of the said court, by affixing the same, with the names of the causes to be heard, at the publick watch-house in Charlestown; provided also, that a Court of Chancery shall always be held at least once in every three months in the year, if there shall be any causes depending, prepared for hearing in the said court.

VI. And whereas, the Court of Common Pleas appointed by law to be holden at Charlestown the second Tuesday in February instant, could not then be holden and kept, by reason of the badness of the weather, and the great distance the Chief Justice of this Province lives from Charlestown, there being no assistant Justices appointed for the said Court of Common Pleas, who otherwise might have adjourned the said court *de die in diem* until the coming of the said Chief Justice; by reason of which disappointment of holding the said court on the said second Tuesday in February instant, all causes and proceedings thereon in the said court are discontinued, for which, if due provision be not made, great delay of justice and consequently great expences to the suitors in the said court will ensue: Therefore, for the continuing and reviving all manner of actions or pleas lately depending in the said court, and which were discontinued or said to be discontinued and put without day by not holding the said court, *Be it enacted* by the authority aforesaid, That all pleas, writs, bills, actions, suits, plaints, process, precepts, or other things whatsoever, that were returnable, or had day or days in the said Court of Common Pleas, on the said second Tuesday in February instant, or at any day or days certain, after the said return, shall stand, continue and be revived, to all intents and purposes, and are hereby continued and adjourned unto, and shall and may be pleaded, heard and proceeded upon at the Court of Common Pleas, to be holden at Charlestown, on Thursday the second day of March next ensuing; and that all parties that had day, by any pleas, writs, bills, actions, suits, plaints, process, precepts, or other thing or things whatsoever, at or in the said second Tuesday in February, or at any other day or days certain, after the said return, shall appear in the said court, at and on the said second day of March next ensuing, under the penalty of forfeiting any obligations or recognizances, conditioned for the appearing of the said parties at the said return, on the second Tuesday in February instant, or under any other penalties that might have incurred upon the said parties, their pledges and sureties, for not appearing at the said return on the said second Tuesday in February, if the said Court of Common Pleas had been then holden or kept; any discontinuance or miscontinuance, or any law, usage or custom to the contrary in any wise notwithstanding.

VII. And for the prevention of any such inconvenience for the future, *Be it enacted* by the authority aforesaid, that there shall be nominated and appointed two or more assistant judges or justices of the said Court of Common Pleas, to be commissioned for that purpose by his Majesty, his

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heirs or successors, or by the Governour or Commander-in-chief of this Province for the time being, who shall sit in judgment and hear and determine all causes in the said court of common pleas, to be holden forever hereafter in Charlestown aforesaid, together with the chief justice of this Province for the time being; provided nevertheless, that in case the assistant judges, or any of them, who shall be so appointed to sit in the said court, shall happen to be absent, that then it shall and may be lawful to and for the said chief justice for the time being, to hold the said court, and to exercise all the powers, jurisdictions and authorities, which by law he may or can, in as full and ample manner, to all intents and purposes whatsoever, as if the said assistant judges were present, and did sit in judgment with the said chief justice; and the said assistant justices, or any one of them, are hereby authorized and empowered in case of the absence of the said chief justice on any of the days or times appointed by law for the holding of the said court of common pleas in Charlestown, to set the said court and adjourn the same *de die in diem*, (Sundays excepted) until the coming of the said chief justice; and such adjournments, so to be made by the said assistant judges or any one of them, in the absence of the said chief justice, shall be deemed, held and taken to be good and sufficient in law to all intents and purposes whatsoever, as if such adjournments had been made by the said chief justice; any law, usage or custom to the contrary notwithstanding.

JOHN LLOYD, *Speaker*.*Charlestown, Council Chamber, the twenty-sixth day of February, 1731.**Assented to:* ROBT. JOHNSON.

No. 540.

**AN ACT TO REVIVE AND CONTINUE THE SEVERAL ACTS THEREIN
MENTIONED.**

WHEREAS, several wholesome and beneficial temporary laws of this Province are expired or near expiring, we humbly pray your most sacred Majesty that it may be enacted, and

I. *Be it enacted* by his Excellency Robert Johnson, Esquire, Governour, by and with the advice and consent of his Majesty's Honourable Council and the Commons House of Assembly of this Province, and by the authority of the same, That an Act of the General Assembly of this Province, entituled an Act for the better settling and regulating the militia, ratified the second day of September, in the year of our Lord one thousand seven hundred and twenty-one; and one other Act entituled an Act for ascertaining publick officers fees, ratified the twenty-first day of September, in the year of our Lord one thousand seven hundred and twenty-one; and one other Act entituled an Act for the better security of his Majesty's Province, by putting the inhabitants thereof in a better posture of defence, ratified the fifteenth day of February, in the year of our Lord one thousand seven hundred and twenty-three; and one other Act entituled an Act for the better ordering and governing of negroes and other slaves, ratified the twenty-third day of February, in the year of our Lord one thousand seven hundred and twenty-two; and one other Act entituled an Act for regulating the guard at Johnson's fort and for keeping good orders in the several forts and garrisons under the pay and establishment of the government of

this Province, ratified the fifteenth day of February, one thousand seven hundred and twenty-three; and one other Act entituled an Act to settle patrols in convenient parts of this Province, ratified the ninth day of December, in the year of our Lord one thousand seven hundred and twenty-five; and one other Act entituled an Act to raise and appropriate a fund of money to erect a building in Charlestown to hold and contain the publick arms of this Province, ratified the first day of June, one thousand seven hundred and twenty-five; and one other Act entituled an Act for the keeping and maintaining a watch and good orders in Charlestown, ratified the fifteenth day of February, in the year of our Lord one thousand seven hundred and twenty-three; and one other Act entituled an Act to revive and continue an Act for carrying on the building and finishing and completing the brick church in Charlestown, and declaring it to be the parish church of Saint Philips Charlestown—be and are hereby declared to be revived and continued, and enacted to be of full force and virtue, for and during and unto the full end and term of one year after the passing of this Act, and from thence to the end of the first session of the next General Assembly after, and no longer.

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WILLIAM DONNING, *Speaker*.

Charlestown, Council Chamber, August the twentieth, 1731.

Assented to: ROBT. JOHNSON.

AN ACT for establishing five Ferries, one over Winyaw river, two over Santee river, one over Sampit creek, and one over Cooper's river. No. 541.

(Passed 20th August, 1731. *See last volume.*)

AN ACT FOR THE BETTER REGULATION OF THE INDIAN TRADE, AND FOR APPOINTING A COMMISSIONER FOR THAT PURPOSE. No. 542.

WHEREAS, the safety, welfare and preservation of this Province in a great measure depends on the establishing a good correspondence, and regulating the trade to be carried on, between the inhabitants of this Province and several nations of Indians, in amity with the same, we therefore pray your most sacred Majesty that it may be enacted, Preamble.

I. *And be it enacted* by his Excellency Robert Johnson, Esq., Governor, by and with the advice and consent of the Honourable Council and the Commons House of Assembly of this Province, and by the authority of the same, That from and after the ratification of this Act if any person or persons whatsoever, other than such as duly obtain licences in the manner hereafter mentioned, shall directly or indirectly visit, frequent, trade, traffic or barter with any Indian or Indians in amity with this government, except the following nations who are deemed to be resident within the settlements, viz : Ittowans, Cussoes, Winyaws, Cape Fairs, Keywaws, St. Helenas and Edistoos, all and every such offender or offenders shall forfeit the sum of one hundred pounds proclamation money, to be sued for and recovered as hereinafter is directed, the one half to his Majesty, his heirs and successors, for the use of this Province, and the other half to him or them that shall sue for the same; and all and singular the goods, wares, Penalty on trading without licence.

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merchandizes, slaves, furs, skins, either carried to, bartered, sold to, or brought from any of the said Indians, to be seized by warrant from and under the hand and seal of the commissioner hereinafter named.

Allotted
bounds for
trafficking

II. *And be it further enacted* by the authority aforesaid, That no person or persons being lawfully licenced to trade as this Act directs, shall presume to trade, traffic or barter to or with any Indian or Indians within the bounds following, on the penalty of the sum of one hundred pounds proclamation money, that is to say, from the mouth of the Savanna river and twenty miles above the Savanna garrison, as the courses of the said river shall run, from thence in a line to the old Congaree garrison on Santee river, thence to the mouth of Lynches creek on Pedee river, except the Chickesaws and any other nation settled within the limits aforesaid, who may trade at the stores now situate near Fort Moore, which said stores may continue where they now are; and the commissioner hereinafter named, is hereby obliged to take notice of the same; and the said commissioner shall, before he take upon him the execution of this law, take the state oaths before the Governor, and also the following oath for the faithful execution of the several powers granted him by this Act, viz: I, A. B., do promise and swear to put in execution all the powers and authorities given to me as sole commissioner, by this Act, without favour or affection, and that I will not directly or indirectly receive any other benefit thereby but the salary therein allowed me. So help me God.

Allowance to
the commis-
sioner.

III. *And be it further enacted* by the authority aforesaid, That the said commissioner hereinafter named, shall be allowed the sum of one hundred pounds sterling per annum, to be paid to him by the public treasurer half yearly, who is hereby required and directed to pay the same accordingly.

Appropriation
of the licence
money.

IV. *And be it further enacted* by the authority aforesaid, That all sum and sums of money arising by the traders licences, shall be paid to the treasurer, and shall be applied towards paying the commissioner's salary, and other charges appointed by this law, (except the fee to be paid to the secretary,) and to no other intent or purpose whatsoever; and if the licence money exceed the salary and charges by this law appointed, that the overplus be appropriated by the General Assembly as they shall think fit towards the support of this government.

Secretary for
Indian affairs
to be appointed.

His duty.

His oath.

V. *And be it further enacted* by the authority aforesaid, That the commissioner hereafter named, shall have power and he is hereby impowered, to nominate and appoint a fit person to execute the office of Secretary for Indian affairs, and the person so appointed shall keep a fair book, in which shall be entered the proceedings of the commissioner, and shall faithfully and carefully keep the bonds entered into by such traders in a fair book; and every person or persons taking out licence, instructions, and entering into bond, besides the money to be paid to the treasurer for the same, shall pay to the secretary the sum of four pounds; and the said secretary shall have the keeping of all and singular, the books, papers, journals, seals and all other former proceedings relating to the affairs of the Indian trade, and shall take the following oath before the commissioner, viz: I, A. B., do promise faithfully to perform and execute all and singular, the matters and things which shall be required of me in discharge of the office of secretary for Indian affairs, and that I will not embezzle, erase or alter any matter or thing in any book or paper given me in charge, and that I will enter into a book for that purpose all the proceedings relating to the Indian trade, which may happen to be depending before the said commissioner. So help me God.

VI. *And be it further enacted*, That the commissioner hereinafter named, shall be obliged to visit the garrison at the Savanna town, as also any the nations of Indians, when and often as he shall be directed by his Excellency the Governor so to do; and the said commissioner is hereby required to attend his Excellency before his departure, for his instructions relating thereto; and if he shall neglect so to do, or neglect or refuse to go when commanded, or in any wise fail in his duty as appointed by this Act, that then and in such case it shall and may be lawful for his Excellency the Governour or the Commander-in-chief for the time being, with the advice and consent of his Majesty's council, to suspend or remove the said commissioner, and to appoint another in his room, who shall continue to act as such and be invested with the same powers and authorities as any commissioner named in this Act, until otherwise ordered by the General Assembly, any thing in this law to the contrary notwithstanding.

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Duty of the commissioner.

VII. *And be it further enacted* by the authority aforesaid, That the commissioner in his visitations shall have power, and he is hereby empowered to hear and determine any complaints from the Indians, and upon such complaint to take the evidence of any Indian or Indians against any person or persons trading among them, if such complaint shall be grounded on such plain and evident circumstances as the said commissioner shall have good reason to believe the said Indian or Indians declares the whole truth; and the said commissioner, if the complaint of the Indian does not amount to above the value of twenty pounds current money of this Province, shall have power and he is hereby empowered to judge and award to the said Indian or Indians so damaged as aforesaid, any sum not exceeding twenty pounds like current money, and (if he thinks it necessary) to withdraw their licence from such trader or traders.

Commissioner may hear and decide upon complaints from the Indians.

VIII. *And be it further enacted* by the authority aforesaid, That the commissioner shall issue out his warrant directed to any other trader or traders, living, residing and trading by licence in the same nation where such trader shall be adjudged to pay the said sum awarded, requiring and directing him or them to compel the trader adjudged to comply with and perform the sentence of the said commissioner; and the said trader or traders to whom the said warrant shall be directed, are hereby required to cause the said warrant to be duly executed, and certified upon the back of the said warrant to the said commissioner that the trader sentenced hath made full and ample satisfaction to the Indian or Indians agrieved, pursuant to the warrant to him directed; and in case the trader adjudged to make satisfaction by sentence and decree of the commissioner, shall refuse to do it after such warrant is showed to him, he and every of them shall forfeit double the sum awarded; and in case the trader to whom such warrant is directed shall refuse to put such warrant in execution, he shall forfeit the sum of twenty pounds current money; and every trader executing such warrant upon any other trader shall be allowed the usual fees of a constable, that is to say, the usual fees for serving a warrant, and milage to be computed from his trading house to the house of the trader that the warrant is served upon.

Commissioner may issue his warrant against delinquent traders.

IX. *And be it further enacted* by the authority aforesaid, That if any person or persons in the Indian country shall disobey any lawful order from the Governour or commissioner for the time being, and proof made upon oath that the same was served on him, that then and in such case the Governour may order, or the commissioner may apply to the commander of the garrison, who is hereby directed to order a detachment out of the Savanna garrison not exceeding four men with an officer, which officer shall be impowered to command any traders to any number he shall think

Process against delinquents

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necessary, to assist in apprehending the offender, and any of the traders refusing when commanded to assist as aforesaid shall forfeit their licence and bond and be forever after incapable of going to trade in the Indian country or being in any manner of ways or means employed in the Indian trade.

Commissioner
may employ in-
terpreters.

May send
expresses.

X. *And be it further enacted* by the authority aforesaid, That the commissioner appointed in this Act shall have power and authority to agree with and employ interpreters, and to administer an oath to them that they will make true interpretation, the better to enable him to settle the trade and redress the grievances and hear the complaints of the Indians, and to apply part of the money arising by the licences by this Act to be granted to traders for the payment of the same; and in case the commissioner shall have occasion upon any extraordinary emergency to send any express, he is hereby empowered to draw on the publick treasurer for the payment of the same out of the moneys aforesaid, and the publick treasurer is hereby required to pay the same accordingly.

Commissioner
not allowed to
traffic with the
Indians.

XI. *And be it further enacted* by the authority aforesaid, That the commissioner shall not directly or indirectly trade, traffick or barter to or with any Indian or Indians whatsoever, or sell or barter, or procure to be sold or bartered any Indian trading goods to any white person whatsoever, or receive any present, gift, fee or reward from any Indian or Indian traders during the time of his agency, or being commissioner, nor at any time within the term of four years after he shall be out of his employ, under the penalty of the sum of one thousand pounds current money of this Province, except presents made the commissioner by the Indians for and in token of their alliance with this government, which said presents shall be accepted on no other condition whatsoever, and the commissioner shall be accountable for the same to the publick.

Traders to pub-
lish their names
in the office of
the Secretary
for Indian
affairs.

XII. *And be it further enacted* by the authority aforesaid, That every person and persons who shall trade, traffick or barter to or with any nation of Indians in amity with this government (except such as are before excepted) shall first publish their names in the office of the secretary for Indian affairs for at least ten days before they have a licence granted them, and shall produce a certificate of the same to the commissioner aforesaid, and of their having paid the sum of thirty pounds current money of this Province, to the publick treasurer, for each licence to trade or barter with the Indians aforesaid, and no objection appearing to the commissioner against granting such licence, either from himself or from any other person, the said commissioner shall grant the same, the person applying having entered into bond with one sufficient security, to his Majesty, his heirs and successors, in the sum of five hundred pounds current money of this Province, conditioned for his or their demeaning themselves well towards the Indians in amity with this government, and that they shall observe and obey all such orders and instructions as shall from time to time be given them by the respective commissioner under his hand and the publick seal of his office.

No Indian to be
trusted for
more than one
pound of
powder.

XIII. *And be it further enacted* by the authority aforesaid, That if any person or persons that shall have and receive such licence or licences, instruction or instructions, from the said commissioner, under his hand and the broad seal of his office, or that shall enter into such bond as aforesaid, shall trust any one Indian for more than one pound of powder and four of bullets, he or they shall forfeit the debt due from the said Indian, and shall also forfeit his bond and licence to his Majesty, his heirs and successors, to be disposed of by the General Assembly for and towards the support of this Province, to be recovered as hereinafter is directed; and in case they

or any of them shall trade, traffick or barter with any Indians that are deemed enemies to his Majesty's subjects, or with any of the subjects of any foreign prince, he or they shall forfeit the penalty of their bonds for the use of his Majesty, his heirs and successors, to be disposed of by the General Assembly for and towards the support of this Province, to be also recovered as is hereinafter directed. A.D 1731.

XIV. *And be it further enacted* by the authority aforesaid, That all such person or persons that shall trade, traffick or barter (except the traders to the Chickesaws) to or with any Indians in amity with this government, shall come to Charlestown at least once every year, in order to take out a new licence in his own proper person, that is to say, in the months of March, April, May or June, in which months all licences shall henceforth expire; and any other person taking out a licence in any other month (except as before excepted) shall pay in proportion only from the time he took it out; and the said Chickesaw traders shall take out their licences once in eighteen months; and that no person or persons whatsoever living within the settlement shall have or receive from the said commissioner any licence or instructions for any person residing among the Indians to trade with the same, unless such person or persons is or are actually in Charlestown to receive the same, and to enter into bond for the faithful discharge of their instructions; and that all such persons as shall intend to trade to the nations of Indians called Chickesaws, shall not pay any thing to the treasurer for their licence, instructions and bonds, or to any other person or persons, (except the fee to the secretary;) and such person intending to trade to the Chickesaws aforesaid, shall not presume to trade, traffick or barter with any Indian or Indians in their way to the said nations called Chickesaws. Licences to be renewed yearly at Charlestown.

XV. *And be it further enacted* by the authority aforesaid, That when one principal trader shall apply for a licence to go out to trade, he shall have liberty to take out one licence in his own name inserting the names of two of the white men he shall carry with him, paying for such licence the sum of thirty pounds to the publick treasurer besides the secretary's fee; and for every other three men he shall carry with him he shall have another licence, paying the like sum of thirty pounds, and so in proportion for a greater or lesser number of men; and every person mentioned or inserted in any licence shall not have liberty to trade for his principal in any of the Indian nations; and the principal shall give good security as well for his own as for all their good behaviour amongst the Indians; and upon the renewal of any such licence it shall be lawful for the principal trader to leave one of his men to look after his store; and in case there be any just complaint made against any of his men on account of debt or any misdemeanour committed by them, an order under the hand and seal of the commissioner served on the principal, he shall be obliged to send down such persons complained of, under the penalty of forfeiting his licence, and the same shall be inserted in the condition of his bond; and it shall not be lawful for the principal to discharge any of his men in the Indian country from his service; and in case any person should leave his employ in the Indian country and any other trader should hire such person, such trader shall forfeit the sum of fifty pounds current money to his Majesty, his heirs and successors, for and towards the support of this his government, and the first employer shall recover all such damages of the person that hired him as he shall prove that he has sustained for the want of the service of such person leaving his employ. Traders licences. In case of misdemeanour commissioner may cite the principal.

XVI. *And be it further enacted* by the authority aforesaid, That any person desiring a licence to trade to any nation of Indians in amity with

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Traders confined to certain boundaries.

this government, shall declare what nation he is going to trade with, and the town in such nation, which shall be inserted in his licence, and there shall be a condition in his bond not to transgress the bounds limited by such licence, under penalty of forfeiting the same; and that all such traders taking out licence to trade with the northward Indians, shall be confined to trade with the Cattawbas and other small tribes of the northward Indians, and shall not by themselves or servants, or other person employed by them, go from thence to the Cheerokes to trade with them directly or indirectly; and those traders taking out licence to trade with the Cheerokes, shall not go from thence to trade with any other nation of Indians whatsoever; and those taking out licence to trade with the Creeks, shall first declare whether he will trade with the Upper or Lower Creeks, and shall then be confined to trade within a town in the same, and no where else, and it shall be inserted in the condition of their bonds; and every trader going to the Creeks to trade shall be obliged to pass, both going and coming, by the Savanna or Palachucola garrison.

No Indian to come within the settlement unless sent for by the Governor.

XVII. *And be it further enacted* by the authority aforesaid, That no Indian or Indians (except such as are before excepted) shall presume to come within the settlement, except his Excellency the Governour or the Commander-in-chief for the time being, or the said commissioner, shall think fit to order the same; and in case any trader shall bring down any Indians or burtheners to the out settlements, such trader shall be obliged to maintain them at their own proper costs, until they return into their own respective nations and towns; and all such traders shall make good all damages done to any of the inhabitants by such Indians, whilst in the settlement, by killing of cattle or otherwise; and no trader to the Cheerokes and Cattawbaws shall presume to bring any Indians or burtheners nearer into the settlement than the old Congaree garrison, on Santee river, upon pain of forfeiting the sum of thirty pounds current money.

Indians to answer for damages.

XVIII. *And be it further enacted* by the authority aforesaid, That if any Indian or Indians living and residing within the settlement shall refuse or neglect to make satisfaction to any inhabitant of this Province, for any damage or injury done him by such Indian or Indians, then, and in such case, it shall and may be lawful for any justice of the peace in this Province, upon due proof made of such damage or injury before him, to order corporal punishment to be inflicted by a constable on such Indian or Indians, limiting the punishment according to the nature of the offence.

Free Indians and negroes not to be employed in rowing boats and canoes.

XIX. *And be it further enacted* by the authority aforesaid, That if any person or persons shall, by any ways or means whatsoever, employ any of our free Indians or negroes, or any negro or other slave, in the Indian country, or in rowing up or down any boat or perriagoe, to or from any of our garrisons, or to or from their respective trading houses, such person or persons so offending shall forfeit the sum of one hundred pounds.

Traders not to encroach on each other.

XX. *And be it further enacted* by the authority aforesaid, That no trader whatsoever shall presume to enter into any town to trade, where another trader by licence doth then reside and trade, unless in large towns, where the commissioner shall think sufficient to maintain two or more; and the commissioner is hereby impowered to allot each trader two or more towns, in case one shall be too small for them to trade in, so that the several towns in the Indian nations be equally divided among the several traders, except at the Chickesaw nations; and every trader going to any of the Indian nations to trade, shall have annexed to his licence,

instructions, agreeable to this law, from under the hand and seal of the office of the commissioner. A. D. 1731.

XXI. *And be it further enacted* by the authority aforesaid, That no present whatsoever from this Government shall be made by the Governour or Commander-in-chief for the time being, to any Indian or Indians, but from time to time shall be ordered by the General Assembly of this Province---except when the General Assembly is not sitting. Regulation of presents to be made to the Indians.

XXII. *And be it further enacted* by the authority aforesaid, That the commissioner shall act and do, in all cases relating to the Indian trade, as this law directs, and is most conducive to the good of this Province, and shall also observe such directions as from time to time he shall receive from the Governour and Council, or General Assembly of this Province, and not otherwise, unless in cases of an extraordinary nature, wherein the immediate safety of this Province is concerned, and not directed and provided in this law; and in case the said commissioner should happen to die, depart this Province, or refuse to act, his Excellency the Governour, or Commander-in-chief for the time being, with the advice of his Majesty's Council, are hereby impowered to appoint another commissioner to transact the affairs relating to the Indian trade, until the next meeting of the General Assembly after such death, departure from this Province, or refusal to act, as aforesaid. By appointment of the commissioner.

XXIII. *And be it further enacted* by the authority aforesaid, That all fines, forfeitures and penalties, imposed by virtue of this Act, not herein before disposed of, shall and may be recovered in any court of record in this Province, by action of debt, bill, plaint or information, one half to his Majesty, to be disposed of by an order of the General Assembly for the time being, to and for the support of this Government, and the other half to the informer or other person that will sue for the same, wherein no essoin, protection, privilege or wager of law shall be allowed or admitted of, or any more than one imparlance; and all the fines and forfeitures mentioned in this Act, shall be sued for and prosecuted within the space of twelve months next after the offence committed, and not after. Penalties may be recovered by suit at law.

XXIV. *And for the better carrying on prosecutions against offenders* who shall transgress this Act, *Be it further enacted* by the authority aforesaid, That the commissioner is hereby impowered to draw on the publick treasurer for the time being, for all such sum and sums of money as he shall think necessary for carrying on and defraying the charges of such prosecutions; and the publick treasurer is hereby impowered and required to pay the same out of the moneys arising by the Indian trading lycences. Commissioner may draw for law expences.

XXV. *And be it further enacted* by the authority aforesaid, That this Act shall continue and be in force for and during the space of two years from the ratification hereof, and thence to the end of the next session of the General Assembly of this Province, and no longer. This Act in force for two years.

XXVI. *And be it further enacted* by the authority aforesaid, That all and every the Act and Acts and Additional Acts whatsoever, heretofore passed by the General Assembly of this Province, relating to the Indian trade, and every paragraph, clause, matter and thing contained in them, or any of them, are hereby declared to be repealed, to all intents and purposes whatsoever, except as is herein before excepted. Former Acts repealed.

XXVII. *And be it further enacted* by the authority aforesaid, That John Herbert, Esquire, be and is hereby appointed sole Commissioner of the Indian Trade, and for supervising the garrison of Fort Moore, and Chickasaw, near that garrison, who shall have full power to do and execute all matters and things relating to the Indians and Indian trade, according to the true intent and meaning of this Act. John Herbert nominated commissioner.

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An Agent to
be appointed.

XXVIII. *And be it further enacted* by the authority aforesaid, That his Excellency the Governour, or the Commander-in-chief for the time being, be and is hereby impowered to nominate and appoint one Agent, to go to the Creek nation, to transact the publick affairs there, as often and at such times as his Excellency, or the Commander-in-chief for the time being, by and with the advice and consent of his Majesty's Council, shall think proper, which said Agent shall be paid out of the publick treasury the sum of eighty pounds per month, during his service; and the said Agent, while among the Creeks, shall be vested with all the powers and authorities and shall be under the same restrictions as are mentioned by this Act to the commissioner of the Indian trade, except only that of granting licences to Indian traders; saving, nevertheless, to the Commons House of Assembly, or the Assembly for the time being, the right of recommending to his Excellency and Council a proper person for that purpose.

Absence of the
Commissioner.

XXIX. And that the Indian traders may not be at any inconveniency in wanting a lycence, when the said commissioner may be in the Indian country, *Be it enacted* by the authority aforesaid, That the commissioner appointed by this Act, shall and is hereby impowered to lodge with the secretary of Indian affairs, blank lycences, which shall be filled up for any person producing a certificate from the said commissioner of his being a fit person to reside or trade among the Indians, and of his having paid to the treasurer the sum required by this Act for his said lycence.

Governor may
grant lycences
to go among the
Choctaws.

XXX. *And be it further enacted* by the authority aforesaid, That his Excellency the Governour shall be and he is hereby impowered to grant lycences to such person or persons as he shall think proper, to go amongst the Chocktaws, under such rules and restrictions as in and by this Act is directed, any thing herein before contained to the contrary notwithstanding.

WILLIAM DONNING, *Speaker.**Charlestown, Council Chamber, August 20th, 1731.**Assented to : ROBT. JOHNSON.*

No. 543. *AN ACT* FOR APPROPRIATING THE SUM OF ONE HUNDRED AND FOUR THOUSAND SEVEN HUNDRED AND SEVENTY-FIVE POUNDS ONE SHILLING AND THREE PENCE FARTHING, TOWARDS THE PAYMENT OF THE PUBLICK DEBTS.

Preamble.

WHEREAS, the sundry debts and charges of the Government to the twenty-fifth day of March, one thousand seven hundred and thirty-one, do amount to the sum of one hundred and four thousand seven hundred and seventy-five pounds one shilling and three pence farthing; and whereas, there is due and owing to the publick, for duties arising by virtue of an Act entituled an Act for granting to his Majesty a duty and imposition on negroes, liquors and other goods and merchandizes, for the use of the publick of this Province, the sum of forty thousand pounds, which is now in the hands of the publick treasurer, and unapplied; and whereas, the duties arising by virtue of the said Act, are computed to amount *communibus annis* to the sum of thirteen thousand pounds current moneys of this Province, eight thousand five hundred pounds per annum whereof are computed to arise from the duties on negroes only, which said eight thousand five hundred pounds per annum, for the space of seven

years, amounting to fifty-nine thousand five hundred pounds, will be likewise wanting to pay off and discharge the said publick debt of one hundred and four thousand seven hundred and seventy-five pounds one shilling and three pence farthing, allowing reasonable interest till the same shall be fully paid off and satisfied; we therefore pray your most sacred Majesty that it may be enacted,

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I. *And be it enacted* by his Excellency Robert Johnson, Esq., Governour, by and with the advice and consent of his Majesty's honourable Council, and the Assembly of this Province, and by the authority of the same, That as well the said sum of forty thousand pounds, now in the treasurer's hands, as also the said sum of eight thousand five hundred pounds per annum, arising on negroes, be appropriated and applied towards payment of the said publick debts and other the uses and purposes herein after mentioned; that is to say, to Captain McPherson's muster rolls, from the twenty-ninth of September, one thousand seven hundred and twenty-seven, to the twenty-fifth of March, one thousand seven hundred and thirty-one, eleven thousand and forty-six pounds three shillings and five pence three farthings; sundry contingent charges to the said time, two hundred and twenty-five pounds; to the muster roll returned by the commander of Fort Moore, from the twenty-ninth of September, one thousand seven hundred and twenty-seven, to the twenty-fifth of March, one thousand seven hundred and thirty-one, seven thousand three hundred and fifty-seven pounds and four pence; to provisions for the said garrison, computed at nine hundred pounds per annum, three thousand one hundred and fifty pounds; to sundry contingent charges, to the said time, five hundred and eighty pounds; to Captain Evans's muster rolls, commander of Fort Prince George, from the twenty-ninth of September, one thousand seven hundred and twenty-seven, to the twenty-fifth of March, one thousand seven hundred and thirty-one, five thousand and five pounds nineteen shillings and eight pence; to provisions for the said garrison, computed at five hundred and ten pounds per annum, one thousand seven hundred and eighty-five pounds; to sundry contingent charges, to the said time, three hundred and five pounds; to the several muster rolls returned by the commanders of the scout boats, from the twenty-ninth of September, one thousand seven hundred and twenty-seven, to the twenty-ninth of September, one thousand seven hundred and thirty, six thousand three hundred and eighteen pounds nine shillings and one penny; to provisions for the said boats, the said time, one thousand seven hundred and eighty-seven pounds ten shillings; to one new scout boat and fitting her out, two hundred and eighty-eight pounds fifteen shillings; to sundry contingent charges, to the said time, two hundred and ninety pounds seventeen shillings and six pence; to the muster rolls returned by the commanders of Johnson's Fort, from the twenty-ninth of September, one thousand seven hundred and twenty-seven, to the twenty-fifth of March, one thousand seven hundred and thirty-one, two thousand and fifty-five pounds seven shillings and seven pence; to provisions for the said Fort, the said time, six hundred and thirty pounds; to sundry contingencies, to the said time, three hundred and thirty-five pounds; to his Excellency Governour Johnson, for his extraordinary services done this Province in Great Britain, being five hundred pounds sterling, three thousand five hundred pounds; to the Commissary of the Garrisons salary four years at two hundred pounds, eight hundred pounds; to storage, wharfage and portage of goods, three years and a half, at fifty pounds per annum, one hundred and seventy-five pounds; to the parochial charges of thirteen parishes, four years, twelve at forty pounds per annum, and Saint Philip's at fifty-five pounds, two thousand one hundred and

Appropriation.

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forty pounds; to Dorothea Lambert, administratrix of John Lambert, late master of the free school, six hundred and ninety-four pounds eight shillings and ten pence; to Luther Gill, usher of the said free school, one hundred and twenty-five pounds; to the Armourer and Gunner of Charles-town, three years and a half, at three hundred and twenty-five pounds per annum, to the twenty-fifth of March, one thousand seven hundred and thirty-one, one thousand one hundred and thirty-seven pounds ten shillings; to the Clerk of the Assembly, for two years and one month, to the twenty-fifth of March, one thousand seven hundred and thirty-one, one thousand two hundred and fifty pounds; to sundry orders for beasts of prey, sixty-one pounds fifteen shillings; to the charge of entertaining the Spaniards who came with a flag of truce to this Government, one hundred and sixty-three pounds fourteen shillings and ten pence half-penny; to Thomas Lloyd, for repairson Granville bastion, one hundred and seventeen pounds one shilling and three pence; to Captain Vanvelsin, for watching the Spaniards, sixty-two pounds seven shillings and six pence; to sundry orders of the late President, for presents for Indians, &c., four hundred and fifteen pounds thirteen shillings; to Arthur Middleton, Esq., late President, during his administration, three thousand pounds; to Richard Allein, Chief Justice, for three years eight months and one week, three thousand six hundred and eighty-seven pounds ten shillings; to John Brown, Messenger to the Assembly, six hundred and six pounds; to the repairs or parsonage houses, for four years, ending the twenty-fifth of March, one thousand seven hundred and thirty-one, two thousand pounds; to John Bayley, as Clerk of the Assembly, from the fourteenth of January, one thousand seven hundred and twenty-nine, to February the eighteenth, one thousand seven hundred and thirty, six hundred and fifty-seven pounds; to John Brown, as Comptroller, for seven years, and half salary to the twenty-fifth of March, one thousand seven hundred and thirty-one; at sixty pounds per annum, as allowed by the House, four hundred and fifty pounds; to his Excellency the Governour, from the day of his arrival to the twenty-fifth day of March last, being one hundred and forty two pounds seventeen shillings sterling, one thousand pounds; to Eleazer Allen, pursuant to his petition, six hundred pounds; to the building of Wambaw Bridge, given by a former House, but not paid, fifty pounds; to the Honourable Arthur Middleton, Esquire, for sundry expences on proclaiming his Majesty King George, four hundred and eighty pounds; to the Church-wardens of Prince George's Parish, one hundred pounds; to Mr. Robert Hume, for principal and interest for orders granted Mr. Wigginton by the publick of this Province, in the year one thousand seven hundred and fifteen, four hundred and sixty-six pounds thirteen shillings and four pence; to William Alexander, muster roll to the twenty-fifth of June, seventy-two pounds; to David Alexander, on the same account, sixty pounds; to John Ballentine, Waiter, for two years, two hundred pounds; to Joseph Barry, one hundred and twenty-five pounds; to Col. Miles Brewton, for one year's rent of a room for the Assembly, commencing in one thousand seven hundred and twenty-six, and ending in the year one thousand seven hundred and twenty-seven, one hundred pounds; to his Majesty, by loan, for building a fort at Alatomaha, and a fort and barracks on Port Royal river, as his Excellency shall think fit, five thousand six hundred pounds; to Colonel Alexander Parris, for a Clerk, for five years, at three hundred pounds per annum, one thousand five hundred pounds; to the Reverend Mr. Lewis Jones, for rent of a house at Port Royal, for five years, at forty pounds per annum, two hundred pounds; to Walter Cox, for ingrossing Acts, &c., seventy-nine pounds; to Mr. Sharp,

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for services in England, five hundred and four pounds nineteen shillings and ten pence; for enlarging the store houses in Granville bastion, for receiving stores lately imported from Great Britain, five hundred pounds; to Richard Orr, one hundred and fifty pounds; to Saml. Eveleigh, thirty-five pounds ten shillings and six pence; to Maurice Tin, eight pounds; to John Delabere, twenty pounds; to Isaac Porcher, seven pounds four shillings; to David Hext, three pounds; to Anne Drayton, eleven pounds seven shillings and six pence; to John Raven, sixteen pounds; to Wm. Cattle, thirty-four pounds seven shillings and sixpence; to Thomas Hayward, ninety six pounds; to James Walker, twelve pounds; to William Bellinger, fifty-six pounds; to Edward North, twenty pounds fifteen shillings; to George Bampffield, for Spanish prisoners, four hundred and thirty-five pounds; to Henry Jackson, thirty-two pounds; to Hester Mountjoy, thirty-six pounds fifteen shillings; to the church wardens of Prince George's Parish, three hundred pounds; to James Futhey, twelve pounds sixteen shillings and three pence; to Eleazer Allen, five hundred and eighty pounds five shillings; to Charles Hart, four hundred and sixty-nine pounds three shillings; to ——— Mechande, six pounds; to Edward North, twenty-one pounds ten shillings; to James Serles, eight pounds; to the executors of Col. Jas. Moore, sixteen pounds ten shillings; to Joseph Paycomb, thirteen pounds; to Colonel John Herbert, eighteen pounds two shillings and sixpence; to Joseph Massey, twenty-three pounds; to John Smith, seventy-five pounds; to Thomas Bur, five pounds; to Samuel Jones, three pounds; to Dr. Le Gorts, fifteen pounds; to the honourable Col. John Fenwick, three pounds; to James Rolland, sixty pounds eight shillings; to Captain Wm. Drye, twenty-two pounds six shillings and ten pence; to James Macknabney, nine pounds; to Colonel Alexander Parris, his first account, two thousand two hundred and forty-nine pounds twelve shillings; to Thomas Ladson, twenty-four pounds; to Adam Beauchamp, twenty pounds; to James Macpherson, twenty-eight pounds twelve shillings and sixpence; to Colonel William Hazard, one hundred and twelve pounds; to Captain Tobias Fitch, thirty pounds; to Captain Edward Massey, fifty pounds; to Thomas Baker, fourteen pounds five shillings; to Colonel Alexander Hext, one hundred and thirty pounds; to John Carmichael, twenty pounds; to William Edins and William Oswill, executors of John Smiley, one hundred pounds; to John Vicaridge, one hundred and twenty pounds; to Anne Drayton, ten pounds ten shillings; to Thomas Macpherson, seventy pounds; to William Macpherson, forty pounds; to Bernard Gilbert, sixteen pounds; to Hugh Bryan, forty pounds; to Joseph Seabrook, twelve pounds twelve shillings; to Bryan Kelly, six pounds sixteen shillings and three pence; to James Rolland, eighty-five pounds five shillings; to William Bellinger, forty-four pounds eighteen shillings and five pence; to Captain William Drye, twenty pounds; to Nicholas Haynes, twenty-five pounds; to Hester Mountjoy, for the maintenance of Cherokee Indians, two hundred and seventy-six pounds; to Benjamin Massey, one hundred and forty-two pounds ten shillings; to William Alexander's first account, one hundred and forty-four pounds; to William Shortley, one hundred and ten pounds; to William Alexander's second account, one hundred and forty-four pounds; to John Cotter, one hundred and five pounds; to William Alexander's third account, one hundred and forty-four pounds; to William Ferguson, one hundred and eighty pounds; to the Reverend Alexander Gordon, two hundred and fifty pounds; to Thomas Storey, ten pounds; to Joseph Gibbons, one hundred and twenty pounds; to William Taylor, eighty pounds; to William Gough, eighty

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pounds; to Aaron Way, sixty pounds; to James Mitchel, thirty-five pounds; to John Hamilton, thirty-five pounds; to Jacob Woolford, four hundred and sixty-two pounds; to Elizabeth Woodward, one hundred pounds; to Colonel Charlesworth Glover, two hundred and six pounds seven shillings and sixpence; to Captain John Crofts, one hundred pounds; to Anne Drayton, four pounds; to Colonel John Beamor, nine pounds twelve shillings and six pence; to Charles Burley, two hundred pounds; to John Musgrove, one hundred and forty pounds; to John Peters, ten pounds; to Cornelius Jones, sixty pounds; to Thomas Lovelesse, six pounds two shillings and six pence; to Jos. Law, five pounds; to James Macpherson, twenty-seven pounds ten shillings; to William Everson, two accounts, eleven pounds; to Robert Cole, two pounds; to the Honourable Arthur Middleton, Esquire, provisions, eight pounds; to Benjamin Dennis, thirty-one pounds twelve shillings and six pence; to Captain Thomas Heyward, thirteen pounds ten shillings; to Charles Pinckney, sixty-two pounds; to William Street, twenty-five pounds seven shillings and six pence; to William Braggins, three pounds; to Thomas Lloyd's account of disbursements, one hundred and eighty pounds, ten shillings; to Captain Edward Massey, forty pounds; to Samuel Morris, six pounds; to Hester Mountjoy, sundry accounts of rent and charges of the court house, five hundred and sixty-one pounds eighteen shillings and four pence; to James Withers, one hundred and twenty pounds; to the executors of Mr. John Hutchinson, twenty-two pounds; to Daniel Green, Esq. Coroner of Berkeley County, two hundred and eighteen pounds; to John Oldfield, Esquire, Coroner for Wassamsaw Precinct, one hundred and twenty-eight pounds; to Elias Horry, Esquire, Coroner for Craven County, seventy-two pounds; to William Tilley, four hundred and twelve pounds fourteen shillings and four pence half penny; to the honourable Joseph Wragg, Esquire, balance of free school account, five hundred and six pounds one shilling and six pence; to Isaac Child, twelve pounds one shilling and three pence; to Joseph Fox, two hundred and fifty pounds; to the Honourable Alexander Skene, Esquire, his Majesty's Treasurer, for moneys advanced by him per order of Council, seven hundred and thirteen pounds seven shillings and six pence; to Miles Brewton, fifty-eight pounds seventeen shillings and six pence; to the Honourable Ralph Izard, Esquire, eighty pounds; to Charles Russel, seventy pounds two shillings and six pence; to Samuel Prioleau, four pounds six shillings and three pence; to Eleazer Allen, his second account of writings, five hundred and fifty-three pounds; to Robert Bunning's account, nine hundred and seventy-five pounds sixteen shillings and a penny half penny; to the Honourable Francis Yonge, Esquire, three thousand five hundred and eight pounds fifteen shillings and nine pence; to Elizabeth Sergeant, one hundred pounds; to William Fuller, thirty pounds; to Henry Hargrave, as Clerk of the Council, for five years, one thousand three hundred pounds; to Alexander Parris, Esquire, his account of Port Royall survey, balance due, one thousand five hundred and two pounds two shillings and three pence; to Barnabas Gilbert, his account, after deducting one hundred and eight pounds being already charged on the muster roll, forty-six pounds eight shillings and nine pence; to another account of said Gilbert, allowed twenty-five pounds; to Daniel Mackfairland, fifty-seven pounds sixteen shillings; to Charles Hart, Esquire, Secretary, another account of writings to sixth March, one thousand seven hundred and thirty, seven hundred and ninety-two pounds fifteen shillings; to George Bampffield, Provost Marshal, his account of maintenance of felons and convicts, six hundred

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and ninety pounds; to George Bampffield, another account of maintenance of Spanish prisoners and Yamassees, two hundred and fifty-nine pounds seventeen shillings and six pence; to Colonel Alexander Parris, another account of sundries, one thousand three hundred and eighty-four pounds fourteen shillings and four pence; to Colonel Alexander Parris, Esquire, another account of sundries, one thousand seven hundred and fifty-seven pounds seven shillings and five pence; to James Rawlins, his account of ferryage to May, one thousand seven hundred and thirty-one, sixteen pounds eleven shillings and three pence; to Samuel Wragg, Esquire, for his salary as agent four years, at seven hundred pounds per annum, two thousand eight hundred pounds; to Samuel Wragg, for his disbursements on the Rice Act, as per advice, eight hundred and forty pounds; to Mrs. Gilbert, widow of Barnabas Gilbert, two hundred pounds; to the executors of John Smellie, to be laid out in a piece of plate to be given to his eldest son, one hundred pounds; to the executors of William Adams, Esquire, deceased, for an Indian slave, killed by the Creek Indians, by order of Colonel Glover, eighty pounds; to Benjamin Whitaker, Esquire, for drawing the Jury Act, fifty pounds; to the Reverend Mr. Wintelely, for his equipment, one hundred and fifty pounds; to Mr. Robert Hume, for drawing a Jury Act, twenty pounds; to Mr. Whitacre, late Attorney General, for prosecuting criminals, seven hundred and fifty-two pounds; to Daniel Butler, Messenger to the Council, one hundred pounds; to Thomas Baker, for his attendance on the Commons House of Assembly, twenty pounds; the Chief Justice, a month from the twenty-fifth of February to the twenty-fifth of March, fifty-eight pounds six shillings and eight pence.

II. *And be it further enacted* by the authority aforesaid, That orders shall forthwith be printed, and pass to the amount of the said sum of one hundred and four thousand seven hundred and seventy-five pounds one shilling and three pence farthing, payable to the several persons aforesaid, or bearer thereof, to be signed by the commissioners hereinafter for that purpose appointed, and shall be divided into several denominations, from five to fifty pounds, at the direction of the commissioners hereinafter named, for the better ease in paying in the same, and shall carry interest from the passing of this Act, at the rate or sum of five pounds per centum per annum, payable out of the said duties arising on negroes, and for and until such time as all and every the said orders are wholly paid off; and shall be current to the Publick Treasurer, for all arrears of duties to the passing of this Act, and for negro and all other duties arising on goods imported, which shall accrue from and after the passing of this Act, for and during the space of seven years now next ensuing; and the said Publick Treasurer and the Publick Treasurer for the time being, shall discount and allow the said interest of five per centum upon the said orders, from time to time, whensoever the same are paid in for negro and all other duties arising on goods imported as aforesaid.

III. *And be it further enacted* by the authority aforesaid, That the said Publick Treasurer and the Publick Treasurer for the time being, shall file and cross all and every such orders yearly, and every year, until they amount to the sum of eight thousand five hundred pounds, received in the negro duties, as soon as they shall come to his hands, which said eight thousand five hundred pounds shall not be reissued on any occasion whatsoever; and the same shall be cancelled yearly and every year, by a committee of His Majesty's Honourable Council and of the Assembly of this Province, from time to time, until the whole are cancelled; and the said Publick Treasurer shall keep a just and fair account of all such

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orders which shall be so paid in, the time when paid, and the numbers of such orders, and the amount of what orders are cancelled, for which the said Publick Treasurer shall be allowed the sum of two hundred pounds per annum, over and besides his salary as Publick Treasurer.

IV. *And be it further enacted* by the authority aforesaid, That the form of the said orders shall be in the words following: This order entitles the bearer to ——— pounds ——— shillings ——— pence, in the current bills of this Province, payable out of all arrears of dutys, to the twenty-fifth day of March, one thousand seven hundred and thirty-one, and out of all negro and other dutys on goods imported hereafter, to grow due for the space of seven years from the date hereof, and shall be current to the Publick Treasurer for the purposes aforesaid.

V. *And be it further enacted* by the authority aforesaid, That Alexander Parris, Esq. Publick Treasurer, Paul Jennys and Eleazer Allen, Esqrs. be and are hereby appointed commissioners for signing the said orders, who are hereby required to pay out the same as soon as they are signed by the said commissioners, to the several persons mentioned in this Act, to whom the publick is indebted as aforesaid, or to such other persons as shall be legally entituled to receive the same, to the amount of the sums therein expressed, wherein there shall be no preference given by the said commissioners, but the same shall be paid off as soon as the same are all signed, and not before; and in case of the death or absence of any or either of the said commissioners, it shall and may be lawful for his Excellency the Governour or Commander-in-chief for the time being, to appoint a commissioner or commissioners in the room of him or them so dying or going off this Province; and the said commissioners shall give a week's notice of the time appointed for paying out the same; and the said commissioners shall be allowed a clerk and their reasonable charges and expences in the execution of this Act.

VI. *And be it further enacted* by the authority aforesaid, That the sum of five thousand pounds per annum, residue of the said thirteen thousand five hundred pounds per annum hereafter to arise out of the dutys by virtue of the said Act entituled an Act for granting to his Majesty a duty and imposition on negroes, liquors and other goods and merchandizes, for the use of the publick of this Province, be appropriated and applied for the space of seven years, to commence from the said five-and-twentieth day of March last, to the charge of surveying and laying out of townships, and towards paying of the passage, and to the purchasing of tools, provisions and other necessaries, for any poor protestants that shall be desirous to settle in the said Province, that is to say, the sum of two thousand eight hundred pounds of the present currency, which is equivalent to four hundred pounds sterling, to John Peter Purry, when he shall bring over and land in this Province, one hundred able and effective freemen and protestants, and all such further sums of money as shall be necessary for the subsistence of them and their families, not exceeding three hundred in the whole, for one whole year, from the time of their arrival, and for the purchasing of tools and utensils; and the residue of the said sum of five thousand pounds per annum, for the said space of seven years, be appropriated and applied for the uses before recited.

VII. *And be it further enacted* by the authority aforesaid, That the said Act entituled an Act for granting a duty and imposition on negroes, liquors and other goods and merchandizes, for the use of the publick of this Province, be and is hereby continued for the space of seven years, to

be computed from the five-and-twentieth day of March last past, and from thence to the end of the next session of Assembly, which shall happen next after the end and expiration of the said term of seven years. A. D. 1731.

WILLIAM DONNING, *Speaker.*

Charlestown, Council Chamber, August the twentieth, 1731.

Assented to: ROBT. JOHNSON.

I can find no public Acts for the year 1732. The Acts numbered 564, 565, in Grimke's Catalogue, as Acts of 1732, belong to 1731, and are inserted in the Acts of that year, in this collection.

AN ACT FOR MAKING MORE EFFECTUAL WILLS AND TESTAMENTS, AND No. 544.
FOR MAKING VALID ALL FORMER WILLS, IN THIS PROVINCE, ACCORDING
TO THE TENOR OF THE SAME; AND FOR PUTTING IN FORCE SEVERAL
USEFUL MATTERS HEREIN COMPRISED.

WHEREAS, there are many estates in this Province held under wills and testaments; and to the intent that the titles may not be questioned, where such wills and testaments have been duly executed, and for the prevention of any vexatious or contentious suits, which may be brought or commenced hereafter, we humbly pray your most sacred Majesty that it may be enacted, Preamble.

I. *And be it enacted* by his Excellency Robert Johnson, Esquire, his Majesty's Captain-General, Governour, and Commander-in-chief in and over this Province, by and with the consent of his Majesty's honourable Council and the Commons House of Assembly, and by the authority of the same, That all former wills and testaments heretofore made, for, of, or concerning any lands, tenements or hereditaments, shall and are hereby declared, to all intents and purposes whatsoever, to be good, valid and effectual in law, according to the true tenor and purport of the same, as fully and effectually as if the statute of the 32d of Henry the 8th, cap. 1st, and the statute of the 34th and 35th of Henry the 8th, cap. 5th, of Great Britain, was or were of force in this Province, at the time of the making the said wills and testaments, any law, custom or usage to the contrary notwithstanding. Provided, that nothing herein before contained shall extend or be construed to make the statute of Westminster the second, chap. the 1st, thirteenth of Edward the first, entituled, in gifts in tail the donor's will shall be observed, the form of a formadon, commonly called the statute of intails, or any part thereof, of force in this Province, or to make estates which were or are fee simple, conditional at the common law, estates in tail in this Province. Provided also, that nothing in this Act shall be construed to confirm or make good any wills heretofore made in this Province since a statute made in Great Britain the 29th of Car. 2, entituled an Act for prevention of frauds and perjuries, has been made of force here, if such wills are not agreeable to the said statute. All former wills and testaments to be good and valid.
Provisoes.

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Wills to be
made according
to the statute of
29 Car. 2, c. 3.

II. *And it is hereby further enacted* by the authority aforesaid, That from and after the ratification of this Act, all and singular every person and persons having any estate or interest in fee simple, or any such estate in coparcenary, joint-tenancy or tenancy in common, of and in any lands, tenements, rents, services, or other hereditaments, in possession, reversion or remainder, shall and may have full power, free liberty and authority to give, dispose, will or devise to any person or persons (except bodies politic and corporate) by his last will and testament, in writing, and duly executed, according to an Act made in the 29th year of Car. 2d, for prevention of frauds and perjuries, as much as in him of right belongs, is or shall be, all his said lands, tenements, rents, services or other hereditaments, remainders or reversions, or any of them, at his and their own free will and pleasure; any law, statute or usage to the contrary notwithstanding.

Witnesses to
prove a verbal
will.

III. *And for the effectual proving of nuncupative or verbal wills, It is hereby enacted* by the authority aforesaid, That all witnesses which are good witnesses at trials at common law, shall be good witnesses to prove a nuncupative or verbal will, made of goods and chattels, agreeable to the forementioned statute for prevention of frauds and perjuries.

Widows and
parsons may
bequeath the
crop on their
lands.

IV. *And be it further enacted* by the authority aforesaid, That from and after the ratification of this Act, any widow may bequeath by will the crop or crops standing or growing on the grounds of her dower, or on other lands planted for her use; and that a parson may, by will, bequeath the crop or crops growing or standing on his glebe land, any thing to the contrary notwithstanding.

Wills made by
a feme covert
or idiot, not
good.

V. *Provided* now and at all times, *and it is hereby enacted* by the authority aforesaid, That any will or testament made or to be made by any feme covert, idiot, or any person of non sane memory, shall not be good or valid in law; any thing herein before to the contrary notwithstanding.

Former ac-
counts to be
allowed as a
discount.

VI. And forasmuch as no matter of account or charge is or can be filed by way of discount on the behalf of an executor or administrator, on the account of his testator or intestate, against the suit of any creditor, or his executors, administrators or assigns, in this Province; *It is therefore enacted* by the authority aforesaid, That from and after the ratification of this Act, all matters of account, demand or reckoning, due to any person or persons, in his or their own right, or to the estate of any deceased person, may be filed in discount of any action or suit brought against the executor or administrator of such deceased person; and all counter charges, demands or reckonings, may hereafter be filed or pleaded in discharge or discount of any action or suit brought by any person as executor or administrator, as effectually as if the same were filed for that purpose against the original plaintiff or plaintiffs, by any former law or usage of this Province; any thing to the contrary notwithstanding.

Any variation
in writs, from
the original, to
be amended.

VII. *And be it further enacted* by the authority aforesaid, That all writs of error and writs of appeal, wherein there shall be any variance from the original record, or other defect, shall be amended and made agreeable to such record by the court where such writs of error and writs of appeal shall be made returnable; and where any verdict hath been or shall hereafter be given in any action or suit, in any court of record in this Province, the judgment thereon shall not be stayed or reversed for any defect or fault either in form or substance, in any bill, writ original or judicial, or for any variance in such writs, from the declaration or other proceedings whatsoever. Provided always, that nothing herein contained shall extend

to any appeal of felony or murder, or to any process on any indictment, presentment or information, of or for any offence or misdemeanour whatsoever. A. D. 1733.

PAUL JENYS, *Speaker.*

In the Council Chamber, 9th April, 1733.

Assented to: ROBERT JOHNSON.

[This Act is plainly dated in the original as of 9th April. 1733. Grimke has inserted it (p. 138, No. 597) as of 9th April, 1734. I follow the Act itself.]

AN ACT TO ASCERTAIN THE FEES OF THE SURVEYOR GENERAL FOR THE TIME BEING AND HIS DEPUTIES; AND TO PREVENT ANY IRREGULARITIES BEING COMMITTED IN THE OFFICE OF THE SAID SURVEYOR GENERAL, OR BY ANY OF HIS DEPUTIES. No. 545.

WHEREAS, in and by an Act of the General Assembly of this Province, ratified the twenty-first day of September, in the year of our Lord one thousand seven hundred and twenty-one, entituled an Act for ascertaining Publick Officers' Fees, it is among other things enacted, that the Surveyor General shall have for running out any quantity of land, the sum of one penny proclamation money per acre, to be paid in the current bills of this Province, at three hundred per cent. advance: And whereas, the several fees appointed and allowed to the Surveyor of this Province, by the said Act, were so appointed to him in full of all claims or demands relating thereto, as well by himself and his deputies, or any other acting by or under his appointment or authority; notwithstanding which, the practice of James St. John, Esq. Surveyor General, and his deputies in that office, has lately been to take the sum of four pence per acre, current money of this Province, for running out every tract of land, and also the deputy surveyors two pence per acre, or three pounds per diem, current money of this Province, and some more, as they could exact from the parties that employed them, for running the same tract of land, whereby the force, effect and true intent and meaning of the said Act, hath been eluded, which is a great grievance and imposition on his Majesty's subjects; for the prevention whereof for the future, and also for the prevention of any other irregularities being committed in the said Surveyor General's office, may it please your most sacred Majesty that it may be enacted,

I. *And be it enacted* by his Excellency Robert Johnson, Esq., Governour, by and with the advice and consent of his Majesty's honourable Council, and the Assembly of this Province, and by the authority of the same, That the Surveyor General for the time being, shall not directly or indirectly have, receive, take or demand any sum of money, fee or reward for any business, matter or thing done by him or his deputies, relating to his office, other than such and so much fees as are in the table of fees hereunto annexed, particularly set down, limited and appointed, upon pain that the Surveyor General for the time being, shall forfeit twelve pence current money, for every penny current money that he shall take and receive over and above what is mentioned in the said table of fees, for any business, matter or thing done by him or his deputies, relating to the said

Surveyors to take no more fees than are mentioned in this Act.

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office, one moiety of the said forfeiture to his Majesty for the support of the Government, to be paid to the publick treasurer for the time being, and the other moiety to the party grieved, or to him or them that will sue for the same, with full costs of suit; all which forfeitures, that shall be under twenty pounds current money, shall be recovered upon information, on the oath of one or more witness or witnesses, before any one or more of his Majesty's Justice or Justices of the Peace, who are hereby authorized and required to issue out his or their warrant or warrants to bring before him or them such offender or offenders; and in case he or they shall refuse to pay such penalty or forfeiture as aforesaid, to grant his or their warrant or warrants to levy the same, with the charges of such warrant or warrants, by distress and sale of the offender's goods; and in case no distress can be found, to commit the offender or offenders to the common goal of this Province in Charlestown, there to remain until he or they shall pay the same; and all forfeitures that shall be above twenty pounds current money, shall be recovered, with full costs of suit, by action of debt, bill, plaint or information, in any of the courts of record within this Province, wherein no wager of law, essoign, privilege or protection shall be allowed.

No fees to be taken for articles not mentioned in the table of fees.

II. *And be it further enacted* by the authority aforesaid, That the Surveyor General for the time being, shall not directly or indirectly receive any sum or sums of money for any other articles or charges that he may contrive or invent, for any business, matter or thing, which he or his deputies, or any other person or persons acting by or under him or them, may do and perform in his said office, save what are mentioned in the table of fees hereunto annexed, upon pain of the forfeiture of twelve pence current money, for every penny current money that he shall so receive for any article or charge not mentioned in the table of fees hereunto annexed, to be recovered by the same persons, and in the same manner as is herein before mentioned, wherein no wager of law, essoign, privilege or protection, shall be allowed, nor any more than one imparlance.

Deputy surveyors to be paid 2 pence per acre.

III. And whereas, for sixty years past, it has been usual to pay the deputy surveyor who surveys the land one moiety for his trouble and pains in surveying, *Be it therefore further enacted* by the authority aforesaid, That the said Surveyor General shall pay and satisfy his said deputies for their trouble and expences out of the aforesaid fee of four pence, that is to say, the sum of two pence current money per acre, for running out lands in this Province; and the deputies of the said Surveyor General shall and may, and they are hereby authorized and empowered from time to time, to receive to their respective uses, out of the said four pence per acre, the said sum of two pence current money per acre, for any lands they shall run out for any person or persons whatsoever, and no more; and a receipt for the said sum of two pence per acre, given under the hand of any of the said deputies, shall be a good discharge in law for the person or persons to whom the same shall be given, against the said Surveyor General, his heirs, executors and administrators, and shall and may be given in evidence on the general issue, in any action or suit in any court in this Province; any law, custom or usage to the contrary thereof in any wise notwithstanding.

Persons having a warrant from the Governor to run out land.

IV. *And be it enacted* by the authority aforesaid, That any person having a warrant from his Excellency the Governour, or the Commander-in-chief for the time being, to run out land, shall carry the same to the office of the Surveyor General for the time being, who is hereby required immediately to give such person an attested copy thereof, with a general precept there-

on endorsed, on such person's paying the said Surveyor General the sum of ten shillings current money, which copy shall be in all respects of equal force with the original; and upon any person's delivering such attested copy and precept thereon to any deputy surveyor, the said deputy shall immediately number and indorse such warrant, with the time when he received the same, and shall be obliged, upon notice, to survey the same, within any part of this Province, to the person first applying and giving such notice, and indorse the quantity so surveyed, returning the copy so indorsed to the owner, and a plat unto the owner of the warrant and precept, on his or their paying to the deputy surveyor his lawful fees for the same, on pain of the forfeiture of fifty pounds current money to the party grieved, to be recovered with full costs of suit, in any of the courts of record in this Province, by action of debt, bill, plaint or information, wherein no wager of law,essoign, privilege or protection, shall be allowed, nor any more than one imparlance; and that the plat or plats so received, shall by the party owner of the said warrant, be returned in to the Surveyor General's office within thirty days after he shall receive it from the deputy surveyor, on penalty of the land being deemed and actually becoming vacant; and that the Surveyor General shall certify and deliver the plat or plats within twenty days after their being so received into his office (provided the fees are duly paid or satisfied) on the penalty of forfeiting the sum of two hundred pounds current money, to be recovered as aforementioned.

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V. *And be it further enacted* by the authority aforesaid, That the said Surveyor General or his deputies shall set down the course and distance of the lines in all plats, and also in case of driving any stakes the same shall be mentioned, and the course and distance from any and what tree, that they may be so recorded; and that the said Surveyor General shall not return any plat but what shall be made in such manner, upon pain of the forfeiture for every such offence, the sum of fifty pounds current money, to him or them that will sue for the same, to be recovered with full costs of suit, by action of debt, bill, plaint or information, in any of the courts of record in this Province, wherein no wager of law, essoign, privileged or protection shall be allowed, or any more than imparlance.

Surveyors to set down the course and distance in all plats.

VI. *And be it further enacted* by the authority aforesaid, That the said Surveyor General, within one month after the ratification of this Act, and every Surveyor General hereafter to be appointed for this Province, before he or they take upon him or them the execution of his or their office, shall record in the Secretary's office of this Province, his commission for the said office, together with his instructions, on pain of the forfeiture of five hundred pounds current money, one half to his Majesty, and the other half to him or them that will sue for the same, to be recovered, with full costs of suit, in any court of record in this Province, by action of debt, bill, plaint or information, wherein no wager of law, essoign, privileged or protection shall be allowed, or any more than one imparlance.

The Surveyor to record his commission in the Secretary's office.

VII. *And be it further enacted* by the authority aforesaid, That the said Surveyor General, within one month after the ratification of this Act, and the Surveyor General for the time being, before he enter upon the execution of his said office, shall take the following oath, viz: I, A. B., do swear, that I will, according to the best of my skill and knowledge, faithfully execute my office of Surveyor General, according to the directions of an Act entitled An Act to ascertain the Fees of the Surveyor General for the time being, and his deputies, and to prevent any irregularities being committed in the office of the Surveyor General, or by any

Oath to be taken by the Surveyor General and his deputies.

A.D. 1733.

of his deputies ; and that I will not postpone executing any warrant, or give any undue preference unto any person or persons, for favour or affection, or on any account whatsoever : So help me God. And all the deputy surveyors, appointed or to be appointed by the said Surveyor General, shall take the same oath, *mutatis mutandis*, which oath shall be taken before the Governour or Commander-in-chief for the time being, or before one or more of his Majesty's justices of the peace, to be commissioned by the Governour or Commander-in-chief for the time being, for that purpose, upon pain that every person so neglecting or refusing to take such oath, shall forfeit the sum of five hundred pounds current money, one moiety of the said forfeitures to his Majesty for the support of the Government, and the other half to him or them that will sue for the same, to be recovered with full costs of suit, in any court of record in this Province, by action of debt, bill, plaint or information, wherein no wager of law, essoign, privilege or protection shall be allowed, nor any more than one imparlance.

Plats to be
certified.

VIII. *And be it further enacted* by the authority aforesaid, That the Surveyor General or his deputy shall certify every respective plat on the days the respective surveys were finished, and that the Surveyor General's return shall bear the same date with the certificate of the surveyor that runs out the land.

Deputy surveyors may execute any certified copy of a warrant.

IX. *And be it further enacted* by the authority aforesaid, That any of the deputy surveyors within this Province, are hereby impowered to execute any copy of a warrant and precept thereon certified, from his Excellency the Governour, by the Surveyor General for the time being, in any part of this Province.

They shall record their instructions.

X. *And be it further enacted* by the authority aforesaid, That all and every the deputy surveyors, within one month after the taking of the said oath of office, shall record in the Secretary's office of this Province, the instructions which they have received from the Surveyor General, which instructions shall not at any time be altered by the said Surveyor General, without the approbation and consent of his Excellency the Governour for the time being, and his Majesty's honourable Council, upon pain that every deputy surveyor, for every offence, shall forfeit the sum of one hundred pounds current money, to him or them that will sue for the same, to be recovered with full costs of suit, in any court of record in this Province, by action of debt, bill, plaint or information, wherein no wager of law, privilege or protection shall be allowed, or any more than one imparlance.

No more fees to be taken than are mentioned in this Act.

XI. *And be it further enacted* by the authority aforesaid, That if any of the deputy surveyors shall directly or indirectly receive or take any sum or sums of money for running out any land in this Province, or for any other business in the execution of their office, more than is hereby limited and appointed, shall forfeit the sum of twelve pence current money for every penny current money that he shall so receive and take, to be recovered by such persons and in such manner as the first forfeiture mentioned in this Act.

The Table of the Surveyor General's Fees, mentioned in the above Act.

To running any quantity of land, per acre, four pence current money, for him and his deputy.

For a plat, record of that plat, and certificate and copy of that plat delivered to the party, two pounds ten shillings current money.

To an attested copy of a plat, taken out of the Surveyor General's books, thirty shillings current money.

For running out of lines between party and party at their request, and not otherwise, three pounds per diem. A. D. 1733.

For a copy of a warrant, and a precept indorsed thereon, ten shillings current money.

To the Deputy for every day he shall ride to the place of survey and back, if above twenty miles, fifty shillings current money.

PAUL JENYS, *Speaker.*

In the Council Chamber, Charlestown, South Carolina, April 13th, 1733.

Assented to: ROBT. JOHNSON.

AN ACT for laying out a Public Road from the Ferry at Mr. John Parker's Plantation, on the west side of Pon Pon River, in the Parish of St. Bartholomew, to the Round O Savanna. No. 546.

(Passed April 13, 1733. See last volume.)

AN ACT FOR THE PREVENTION OF SUITS AND DISTURBANCES TO HIS MAJESTY'S JUDGES AND MAGISTRATES IN THIS PROVINCE, ON ACCOUNT OF THE HABEAS CORPUS ACT. No. 547.

FORASMUCH as divers evil disposed persons have, since the first day of February, 1732, spoke, done, acted and meditated divers acts, deeds and things, during the sitting of this General Assembly, in contempt and defiance of His Majestys Government and authority, in a daring and contemptuous manner, and in defiance of the power and authority of both Houses of Assembly in this Province, and it being very apparent to His Majesty's Council and the Commons House of Assembly of this Province, that some particular turbulent and ill minded persons, have combined and confederated together in the contrivance of a new invented scheme to acquire money by speaking and acting most audaciously and contemptuously against the Legislative power of this Province, and provoking their own confinement by offending authority, and under pretence of urging their enlargement from such confinement (not by submission, confession of guilt, or request for forgiveness) have endeavored to intimidate the Magistrates of this Province by soliciting and demanding a writ or writs of Habeas Corpus, although not legally entituled thereto, and on such Magistrate's non compliance or refusal, have threatened actions, suits and vexations, in hopes of bringing the Magistracy of this Province under a general contribution to such insolent offenders; in order therefore to establish the quiet of His Majesty's Magistrates and other officers against the threats, suits and disturbances of such a malignant cabal of people, we humbly pray His most gracious Majesty that it be enacted,

I. *And be it enacted*, by his Excellency Robert Johnson, Esq., Captain General, Governor and Commander-in-chief, in and over this Province, by and with the advice and consent of His Majesty's Council and the Assembly of this Province, That no judge, justice of the peace, or other magistrate, minister or officer, shall be subject or liable to any action, suit, prosecution or penalty, for having refused, neglected or omitted, or that does or shall refuse, neglect or omit, the signing or granting any writ or certain cases.

Preamble.

No public officer to be subject to suit or penalty, for neglecting to issue Habeas Corpus in certain cases.

A. D. 1733.

The Magistrate may plead the general issue, and give this Act in evidence.

writs of habeas corpus, or that has, does or shall refuse obedience thereto, if granted already, or that shall be granted upon the petition or application of any person or persons that was, is, or shall be committed to the custody of the marshall, by order of His Majesty's Council, or that was, is, or shall be committed to the custody of the messenger of the Commons House of Assembly, by order of the said House, signed by the Speaker, for any contempt, violation or breach of privilege of either of the said Houses, or for any other crime whatsoever, since the said first day of February, 1732, or that shall be made by either of the said Houses for the matters aforesaid, during the present sessions; and if any judge, justice, magistrate, minister, marshall, messenger or other officer, shall at any time or times hereafter, be sued or prosecuted for any sum or sums of money, pain or penalty whatsoever, by virtue or in pursuance, or under colour of any law or statute whatsoever, for or on account of his refusing to sign, grant or issue any such writ or writs of Habeas Corpus, or to obey the same if granted, or that shall be granted on the petition of any person confined as aforesaid, that then it shall and may be lawful to and for such judge, justice, magistrate, minister, marshall, messenger or other officer, to plead the general issue, and give this Act, or any other special matter or matters, in evidence, for his discharge and acquittal, and this Act, on such general issue, shall be admitted and taken in all Courts of Record in this Province, in barr and full and perpetual discharge of all such suits, actions or information; any law, statute or usage, to the contrary notwithstanding; or it shall and may be lawful for all and every such person and persons this Act to plead in barr to any such suit, action or information, which shall be adjudged a good barr to all intents and purposes whatsoever; and this Act is hereby declared to be a publick and general Act, and as such to be taken notice of to all intents and purposes whatsoever, without specially pleading the same.

PAUL JENYS, *Speaker.*

In the Council Chamber, Charlestown, South Carolina.

Assented to: ROBT. JOHNSON.

N. B.—This Act is not dated formally, but from intrinsic evidence, it is of the last day of the session, 4th May, 1733. It was repealed by the King in Council, on the 11th April, 1734, as follows:

At the Court at St. James, the eleventh day of April, 1734.

PRESENT

The King's Most Excellent Majesty,

Lord President,	Earl of Selkirke,
Lord Chamberlain,	Earl of Hallifax,
Duke of Athol,	Lord Harrington,
Duke of Ancaster,	Mr. Chancellor of the Exchequer,
Earl of Westmoreland,	Sir Charles Wager,
Earl of Grantham,	

WHEREAS, by commission under the great seal of Great Britain, the Governour, Council and Assembly of His Majesty's Province of South Carolina, are authorized and empowered to make, constitute and ordain laws, statutes and ordinances, for the peace, welfare and good government of the said Province, which laws, statutes and ordinances are to be as

near as conveniently may be, agreeable to the laws and statutes of this Kingdom, and to be transmitted for his Majesty's Royal approbation or disallowance: And whereas, in pursuance of the said powers, an Act was passed in the said Province, in one thousand seven hundred and thirty-three, which has been transmitted, entitled as followeth, viz :

A. D. 1733.

AN ACT for the Prevention of Suits and Disturbances to his Majesty's Judges and Magistrates in this Province, on account of the Habeas Corpus Act.

WHICH Act, together with a representation from the Lords Commissioners for trade and plantations thereupon, having been referred to the consideration of a committee of the Lords of his Majesty's most honourable Privy Council, the said Lords of the committee this day presented the said Act to his Majesty at this board, with their opinion, that the same ought to be repealed; his Majesty taking the same into consideration, is pleased, with the advice of his Privy Council, to declare his disallowance of the said Act, and pursuant to his Majesty's pleasure thereupon expressed, the said Act is hereby repealed, declared void and of none effect; whereof the Governour or Commander-in-chief of his Majesty's Province of South Carolina, for the time being, and all others whom it may concern, are to take notice and govern themselves accordingly.

TEMPLE STANYAN.

AN ACT TO SUPPLY THE DEFECTS IN THE EXECUTION OF AN ACT ENTITLED AN ACT FOR CALLING IN, REPRINTING AND EXCHANGING THE PAPER BILLS OF CREDIT. No. 548.

WHEREAS, in and by an Act of the General Assembly of this Province, entitled an Act for calling in, reprinting and exchanging the paper bills of credit, among other things it is enacted, that the commissioners therein mentioned shall have power, and they are thereby authorized, to reprint the sum of one hundred and six thousand five hundred pounds in bills of credit, and with such devices and stamps as they the said commissioners shall be appointed and directed by his Excellency the Governour, by and with the advice of his Majesty's honourable Council, and they the said commissioners are thereby directed to prepare and lay a scheme accordingly before them for their approbation, the lowest bill to be five shillings, and the highest to be twenty pounds, to be used and disposed of in manner as is hereinafter directed; and whereas, it was thought necessary by the commissioners in the said Act mentioned, for the conveniency of change, to make some of the bills by them stamped of a lower denomination than five shillings bills, that is to say, four and six penny bills, by reason whereof some doubts may arise, whether the said four and six penny bills are legal and current money within this Province; for the prevention therefore of such doubts, we pray your most sacred Majesty, that it may be enacted,

Preamble.

I. *And be it enacted*, by his Excellency Robert Johnson, Esquire, Governour, Captain-General, and Commander-in-chief, in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council, and the Assembly of this Province, and by the authority of the same, That the four and six penny bills

That the 4 s. 6 d bills shall be deemed current and lawful money of this Province.

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so stamped and issued, or that shall be stamped and issued by the said commissioners, shall be held, deemed and taken, to all intents and purposes, lawful and current money of this Province, as fully as any other denomination of the bills stamped and issued, or that shall be stamped and issued by the said commissioners, or other persons authorized by the said Act, are or shall be, any thing in the said Act to the contrary notwithstanding.

The old bills to
be current till
the 25th March,
1734.

II. And whereas, in and by one other clause in the said Act of the General Assembly, it was also enacted, that after the first day of June, one thousand seven hundred and thirty-two, none of the bills now outstanding should be a lawful tender, or of value to any person whatsoever, *Be it further enacted*, That the said bills are hereby declared to be a lawful and good tender in law, until the twenty-fifth day of March next ensuing, and no longer; any thing in the said Act to the contrary in any wise notwithstanding.

PAUL JENYS, *Speaker*.

In the Council Chamber, Charlestown, South Carolina, May 4th, 1733.

Assented to: ROBERT JOHNSON, *Governour*.

See Act No. 534, ante.

No. 549. AN ACT FOR BUILDING THE PAROCHIAL CHURCH OF ST. GEORGE'S PARISH, IN DORCHESTER.

Preamble.

WHEREAS, the Parish Church of St. George's in Dorchester, is in a very decayed and ruinous condition, and the same being also too small for the present number of the inhabitants of the said Parish and others resorting there; we therefore humbly pray your most sacred Majesty that it may be enacted,

A new church
to be built in
the parish of
St. George.

I. *And be it enacted*, by his Excellency Robert Johnson, Esq. Governour, Captain General and Commander-in-chief, &c., and with the advice and consent of his Majesty's honourable Council and the Assembly of this Province, and by the authority of the same, That it shall and may be lawful to and for the rector or minister of the said parish for the time being, together with the churchwardens and vestry for the time also being, of the said parish, or the major part of them, to erect and build a new church in the said parish, on or near the same ground where the present church is now situate, and that in such a manner as he or they shall think proper; which said church, new built and erected as aforesaid, shall for ever be reputed and taken to be the parochial church of the said Parish of St. George's, Dorchester.

Persons to be
appointed to
collect funds.

II. And the better to raise a fund for the erecting and building the said church, as aforesaid, *It is hereby further enacted* by the authority aforesaid, That the rector or minister of the said parish for the time being, with the churchwardens and vestry, shall from time to time be enabled to appoint any two or more proper persons of the said parish, to receive and collect any sum or sums of money, or other donations, for the use and purpose aforesaid, by the voluntary subscription or subscriptions of the parochial inhabitants, or any other religious or well disposed persons, who are or shall at any time be pleased to present gifts or subscribe to the same, which said sum or sums of money, donations or subscriptions, which shall

be given, subscribed and collected as aforesaid, shall be subject to such application and disposition for the purposes aforesaid, in such manner as the said rector or minister, with the consent of the churchwardens and vestry, or the major part of them, shall think most suitable and convenient.

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III. *And be it further enacted* by the authority aforesaid, That the rector or minister of the said parish, after the said church is agreed to be new built as aforesaid, shall and may, with the consent of the major part of the churchwardens and vestry for the time being, have full power, right and authority to grant, give and dispose of the pews and seats, or the ground room for pews and seats of and in the said church, to such persons, and in such order and situation, as the said rector or minister and the major part of the said churchwardens and vestry for the time being shall think proper, giving preference in proportion to all subscriptions; any law, usage, right or custom in any wise to the contrary notwithstanding.

The Rector im-
powered to dis-
pose of the
pews in the said
church.

IV. *And it is hereby further enacted*, That it shall and may be lawful to and for any person or persons to give, grant or convey in fee or otherwise, without any licence of mortmain, any plat or tract of ground, to the churchwardens of the said parish and their successors for ever, for the better support of the reparation of the said church, or as a glebe or mensal land for the use and behoof of the resident rector or minister of the said parish, and his successors for ever.

Land to the
church or a
glebe to the
rector may be
given.

PAUL JENYS, *Speaker*.

In the Council Chamber, Charlestown, South Carolina.

Assented to: ROBERT JOHNSON.

AN ACT TO ENCOURAGE THE DESTROYING OF BEASTS OF PREY.

No. 550.

WHEREAS, the increase of stock will very much redound to the general interest of this Province, and that the encouragement heretofore allowed by the public was not sufficient to induce people industriously to endeavour to destroy such beasts of prey as very much discourage the inhabitants to go upon stock, may it please your most sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Excellency Robert Johnson, Esquire, Governour, by and with the advice and consent of the Council and Assembly of the Province aforesaid, and by the authority of the same, That whoever shall in any settled part of this Province, kill a tyger or wolf, shall receive from the Public Treasurer, for the time being, ten shillings proclamation money, or the value thereof in current bills, according to the course of exchange.

II. *And be it further enacted* by the authority aforesaid, That whoever shall kill a bear or wild cat, shall receive from the said Public Treasurer, five shillings proclamation money, or the value thereof in current bills as aforesaid. And the said Public Treasurer is hereby authorized and directed to pay the several premiums aforesaid without any manner of delay, so as to encourage the destroying of beasts of prey, according to the intent and meaning of this Act; Provided nevertheless, That whenever any tygers, wolves, bears or wild cats, are killed pursuant to this Act, the person or persons who killed them, shall bring the skin of the head with the ears to some justice of the peace for the county where they were killed, who is hereby empowered to examine the parties producing such skin of the head with the ears, or, at the discretion of the justice, to charge him or

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them upon oath, to declare where those beasts of prey whose skin of the head with the ears are produced, were killed and by whom; and if it shall appear clearly to the satisfaction of such justice, that those skins of the head with the ears, were severed from the tygers, wolves, bears or wild cats killed as aforesaid, the justice before whom such examination is taken, shall cause such skin of the head with the ears of such beasts of prey to be destroyed, and shall grant an order upon the Public Treasurer to pay the parties after the respective rates herein before mentioned.

III. *And be it further enacted* by the authority aforesaid, That all former Act or Acts concerning beasts of prey, be repealed; and that this Act continue in force for * * * from the passing thereof, and from thence to the end of the next session of the General Assembly.

PAUL JENYS, *Speaker*.

In the Council Chamber, 7th June, 1733.

Assented to: ROBT. JOHNSON.

No. 551. *AN ACT* FOR RAISING THE SUM OF FORTY THOUSAND ONE HUNDRED AND SIXTY POUNDS TWELVE SHILLINGS AND SIX PENCE, AND FOR APPROPRIATING THE SUM OF FOUR THOUSAND ONE HUNDRED AND NINETY POUNDS TEN SHILLINGS AND TEN PENCE, NOW IN THE TREASURY UNAPPLIED, FOR DEFRAYING THE CHARGES OF THE GOVERNMENT FOR ONE YEAR, COMMENCING THE TWENTY-FIFTH DAY OF MARCH, ONE THOUSAND SEVEN HUNDRED AND THIRTY-TWO, AND ENDING THE TWENTY-FIFTH DAY OF MARCH, ONE THOUSAND SEVEN HUNDRED AND THIRTY-THREE.

Preamble.

WHEREAS, it appears upon an estimate made of the charges of this Government, that the sum of forty-four thousand three hundred and fifty one pounds, three shillings and four pence, in the present currency, will be wanting for defraying of the same, we therefore pray your most sacred Majesty, that it may be enacted,

Apportionment
of the sums.

I. *And be it enacted*, by his Excellency Robert Johnson, Esquire, Governour, by and with the advice and consent of his Majesty's Honourable Council and the Assembly of this Province, and by the authority of the same, That a tax or sum of forty thousand one hundred and sixty pounds twelve shillings and six pence, current money of this Province, be imposed and levied on the several inhabitants of this Province, and that the sum of four thousand one hundred and ninety pounds ten shillings and ten pence, now in the Treasury, be also applied to the use of his Majesty for the support of this his Majesty's Government, that is to say, the sum of six thousand six hundred and ninety-three pounds, eight shillings and nine-pence, being one sixth part of the said sum of forty thousand one hundred and sixty pounds twelve shillings and six pence, on the merchants and inhabitants of Charlestown, and the sum of thirty-three thousand four hundred and sixty-seven pounds three shillings and nine pence, residue of the said sum of forty thousand one hundred and sixty pounds twelve shillings and six pence, on the several inhabitants living without the limits of the said town plat.

II. And for the more certain and effectual levying thereof, *it is hereby enacted and declared*, That the sum of twenty shillings current money, per head, be imposed and levied upon all negroes and other slaves; and the sum of ten shillings per hundred acres, on all lands throughout the said Province, (town lots without the limits of Charlestown plat excepted.)

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Negroes 20 s.
each; lands 10 s.
per 100 acres.

III. *And be it further enacted* by the authority aforesaid, That all persons whatsoever, who are possessed of any lands or slaves in this Province, either in their own right, or in the right of any other person, or are lyable to pay any tax by virtue of this Act, shall on or before the first Tuesday in August next ensuing, render a particular account thereof in writing, to the inquirers and collectors of the several parishes and places respectively where the person who is to render such account does live and reside, and at such times and places as the said inquirers and collectors or any two of them shall direct or appoint for the doing thereof, so that the same be done on or before the said first Tuesday in August next; and the person so rendering his account, shall give into the said inquirers and collectors the number of his slaves and the quantity of land that he is possessed of in this Province.

Taxables to
render an
account in
writing.

IV. *And be it further enacted* by the authority aforesaid, That the several persons hereafter named, shall be inquirers and collectors for the several parishes hereafter mentioned respectively, viz: for the parish of St. Philips, Charlestown, without the limits of the town plat, Mr. Joseph Pendarvis and John Fairchild; for the parish of Christ Church, Elias Foissin, jun. and Benjamin Law; for the parish of St. James Goose Creek, Edward Keating and Francis Cordes; for the parish of St. Johns, John Gibbes and Thomas Cordes; for the parish of St. Georges, William Sanders and George Nicholas; for the parish of St. Thomas and St. Dennis, Peter Pagett and Abijah Russ: for the parish of St. Andrews, (James Island excluded,) Mr. Joseph Elliott, (son of William Elliot,) and Thomas Drayton; and for that part of the parish called James Island, Captain Thomas Heyward and William Scriven; for the parish of St. Pauls, that is to say, for John's Island, Joseph Stanyarn and John Raven; for Wadmelaw Island, William Hecknoe and John Davis; and for Edisto Island, Paul Hamilton and William Eddings; for Stono and the east side of Pon Pon, Burrel Massenburgh Hyrne and James Stobo; for the parish of St. Paul, Beach Hill, Henry Saltus and William Williamson; for the parish of St. Bartholomews, Laurence Sanders and William M'Pherson; for the parish of St. James Santee, Thomas Fairwell and John De Leslin; for the parish of Prince George Wineaw, William Alston and John Wallis; for the parish of St. Helena, Richard Woodward and William Hazzard, junior.

Inquirers and
collectors
nominated.

V. *And be it further enacted* by the authority aforesaid, That John Guerard, Richard Lambton and John McKoy, be, and are hereby appointed enquirers within the limits of Charlestown plat; and that Tweedie Somerville, Esquire, James Osmond, John Fraser, Henry Peronneau, jun. and Daniel Crawford, be and are hereby appointed assessors for the parish of St. Philips, Charlestown, within the limits of the town plat; and that Alexander Parris, Esquire, Public Treasurer, be collector and receiver for the Parish of St. Philips, Charlestown, within the limits of the said town plat.

Continued.

VI. *And be it further enacted* by the authority aforesaid, That all persons whatsoever, that are possessed of any lands or slaves in this Province, in their own right, or in the right of others, or are otherwise liable to pay any tax by virtue of this Act, shall pay in their taxes to the several persons hereby appointed to receive the same, on or before the

Tax when to
be paid.

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Oath to be taken.

second Tuesday in August next ensuing, or within fourteen days then next after at farthest, at which time the said collectors for the several parishes without the limits of Charlestown plat, shall close their accounts and transmit the same in fourteen days next after, to the said Alexander Parris, Esquire, Public Treasurer, and to the Public Treasurer for the time being, with the names of the persons who have made default; and all and every person whatsoever lyable to pay any tax by virtue of this Act, shall at the same time of giving in their accounts to the several inquirers and collectors respectively, take the following oath: "I, A. B., do swear that the account I now give in, is a just and true account of all the lands and slaves which I am any ways possessed of, interested in, or entitled unto, by virtue of or under any patent, grant or warrant and survey thereon within this Province, either in my own right, or as executor, administrator, guardian or attorney to, or in trust for any other person or persons whatsoever; and this I declare, without any equivocation or mental reservation whatsoever. So help me God." Which oath any of the said inquirers and collectors respectively, are hereby empowered to administer; and the said inquirers and collectors for each parish or district respectively, shall give in an account in writing of their own slaves and land on oath, after the manner before directed, and pay in their tax to the said Receiver or Treasurer respectively, at the time appointed.

Penalty on concealment.

VII. *And be it further enacted* by the authority aforesaid, That if any person or persons in giving in or rendering his account of lands or slaves as aforesaid, shall wilfully or voluntarily conceal any part thereof, all such persons shall forfeit treble tax for what they so concealed.

Defaulters.

VIII. *And be it further enacted* by the authority aforesaid, That any person neglecting or refusing to give in such his account of lands and slaves to the inquirers and collectors aforesaid respectively, at such time and place as they shall appoint, or by the first Tuesday in August next, after the passing of this Act, at farthest, he shall be returned by the said inquirers and collectors as a defaulter, and shall be rated by the inquirers and collectors according to the best of their discretion.

Persons owning lots and not residing in Charlestown.

IX. And whereas, divers inhabitants living and residing without the limits of Charlestown plat, are possessed of divers houses and town lots or part of lots, within the same, *Be it therefore enacted* by the authority aforesaid, That all such persons shall be rated for such lots as if they were actually resident in Charlestown, and all town lots and the improvements thereon within the limits of Charlestown plat, shall be rated at the discretion of the assessors in Charlestown.

Taxables in Charlestown.

X. *And be it further enacted* by the authority aforesaid, That the inquirers for Charlestown are hereby directed and ordered to inquire into and take an account of all such real estate and slaves of the inhabitants living and residing within the limits of Charlestown plat, which they shall be possessed of, interested in or entitled unto, either in their own right, or in the right of any other person whatsoever, which are lying or being within the limits of the said town plat, and of all the lands and slaves which the inhabitants of Charlestown are possessed of without the limits of the same, or in any other part of the Province; and the said inquirers shall make and finish their inquiry and return the same to the assessors hereby appointed for Charlestown, on or before the said second Tuesday in August next; and the said inquirers for Charlestown shall likewise extract and certify to the said assessors in Charlestown, all the lands to them given in by the owners and inhabitants of Charlestown, which lye without the limits of Charlestown plat; and the said lands and slaves

without the limits of Charlestown plat, though owned by persons living in Charlestown, shall be reckoned as part of the country tax. Provided always nevertheless, that nothing herein before contained shall extend or be construed to give the said assessors for Charlestown any power or authority in assessing any such goods, wares, merchandizes or effects, as shall be consigned immediately to any merchants or factors in this Province to dispose of as factors only; except also the effects of transient persons, who have not resided in this Province three calendar months before such inquiry shall begin to be made. And it is hereby declared that the several slaves belonging to the inhabitants of Charlestown which have been for six months last past employed by their respective masters in Charlestown, shall be reckoned and accounted as that part or proportion of the said tax hereby allotted and to be raised and levied on the inhabitants of Charlestown; and that all and every their lands without the limits of Charlestown plat, as well as their slaves employed in the country, shall be reckoned and accounted for as part of the country tax.

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How slaves shall be apporportioned to Charlestown.

XI. *And be it further enacted* by the authority aforesaid, That the store-keepers living and residing in the country, shall be rated by the inquirers in the several parishes where they live, for their stores, after the rate of the assessment for such stores of goods in Charlestown, belonging to the inhabitants in their own right; and the moneys arising by the assessment of such stores shall be paid to the publick treasurer and deemed as part of the country tax. And in such parishes where one of the inquirers and collectors shall happen to be a storekeeper, the other inquirer and collector shall and is hereby impowered to assess and rate such storekeeper in the same proportion as the other store-keepers are rated and assessed at.

Country store-keepers, how rated.

XII. *And be it further enacted* by the authority aforesaid, That every person, as well inhabitants of Charlestown as store-keepers in the country, who shall have reason to believe he is over-rated, shall have ten days publick notice given by the assessors or inquirers, at the watch-house in Charlestown, or in any other publick places in the country for that purpose, to swear off so much as he or they are over-rated before the said assessors or inquirers as aforesaid, and the said inquirers or assessors are hereby impowered to administer such oath and allow of an abatement accordingly.

Appeal allowed to persons overrated.

XIII. *And be it further enacted* by the authority aforesaid, That the said assessors for Charlestown, upon receiving the returns of the inquirers for Charlestown, shall administer unto them the following oath: You, A B, C D, and E F, do swear that the account you now give in is a just and true account of all the real estate and slaves of the several inhabitants of Charlestown, lying within the said town plat, according to the best of your knowledge: So help you God.

Oath to be taken by the inquirers.

XIV. *And be it further enacted* by the authority aforesaid, That the inquirers for Charlestown, at the same time, shall render an account to the said assessors of their own real estates and slaves, lying and being within and without the limits of the said town plat, and take the same oath before the assessors, *mutatis mutandis*, as they are directed to administer to the other inhabitants of Charlestown.

The same for the inquirers own property in Charlestown.

XV. *And be it further enacted* by the authority aforesaid, That the said assessors for Charlestown are hereby authorized to rate and assess the said sum of six thousand six hundred ninety-three pounds eight shillings and nine pence, being the one sixth part of the said tax or sum of forty thousand one hundred and sixty pounds twelve shillings and six pence, on the real and personal estate, stocks and abilities of the inhabi-

Assessors to rate £6693 8s. 9d. on Charlestown.

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Time and
place of
Assessors
meeting.

tants of Charlestown and others interested in the said town, as aforesaid, rateably and proportionably, according to the best of their skill and judgment; and any two of the said assessors shall be a quorum, and shall meet at the house of Col. Miles Brewton, on the second Tuesday in August next, and there to continue to finish the assessment for Charlestown, or adjourn to any more convenient place in or near Charlestown, as they shall see fit. And the said assessors shall finish and complete the said assessment for Charlestown on or before the last Tuesday in August next, and return a duplicate thereof under their hands unto the publick treasurer in Charlestown, who shall cause another duplicate thereof to be posted at the publick watch-house in Charlestown, in seven days after his receiving the same from the hands of the said assessors.

Assessor's
oath.

XVI. *And be it further enacted* by the authority aforesaid, That the assessors for Charlestown shall, before they enter on the execution of their office, take the following oath before one of his Majesty's Justices of the Peace, who shall give him a certificate for so doing, gratis: "I, A B, do sincerely swear that I will indifferently, equally and impartially rate and assess all and every person to me returned to be assessed by the inquirers of Charlestown, for that purpose appointed, according to the directions to me given by this Act, and according to the best of my skill and knowledge: So help me God."

Mistakes may
be rectified.

XVII. *And be it further enacted* by the authority aforesaid, That in case the assessors for Charlestown shall find any mistakes in the returns of the inquirers, the said assessors shall not be so strictly bound to the said returns but that they may have liberty to proceed according to better information and knowledge; but if any man's tax doth not exceed five shillings current money, he shall not be rated or assessed.

Tax to be paid
on or before the
first Tuesday
in September.

XVIII. *And be it further enacted* by the authority aforesaid, That every person so assessed by the said assessors for Charlestown, shall likewise pay into the hands of the publick treasurer the several sums of money on them respectively assessed, on or before the first Tuesday in September next. And in case any person whatsoever shall neglect or refuse to pay in his or their tax, at the days and times herein before mentioned and appointed for payment thereof, the publick treasurer shall, within thirty days after the time fully elapsed, without favour or affection or further delay, levy the same, by virtue of a warrant by him to be signed and sealed for that purpose, which said warrant shall be directed to the constable or constables of the respective parishes or divisions where such defaulter lives or resides, requiring him to levy by distress and sale of the defaulter's goods, returning the overplus, if any there shall happen to be, to the defaulter, after deducting the reasonable charges; and if no such distress, or if the defaulter shall neglect or refuse to produce goods whereon the moneys so assessed may be forthwith levied, then the said constable or constables, by virtue of the said warrant, shall take the body of such defaulter or defaulters and bring such persons to the common goal in Charlestown, and the provost marshal shall detain such persons in the goal aforesaid, without bail or mainprize, until they have satisfied the debt and charges aforesaid.

Constables
fees.

XIX. *And be it further enacted* by the authority aforesaid, That the constable or constables to whom such warrant shall be directed, shall take the following fees in the execution of their office, viz: to the constable or constables, twelve pence current money of this Province for every twenty shillings so to be levied and paid to the publick treasurer, and twelve pence current money for every mile, to be computed from the dwelling house of such constable or constables to the dwelling house of such defaulter, and no more or any other fee or fees whatsoever; and the publick

treasurer, for every warrant he shall issue, shall have from such defaulter ten shillings current money. A. D. 1733.

XX. *And be it further enacted* by the authority aforesaid, That if any taxable person shall neglect to give in his account of his estate to the said inquirers and collectors, by the time before limited in this Act, and shall be omitted in the return of the inquirers and collectors, and shall have omitted or neglected to pay in his tax by the time before limited, the said Publick Treasurer, notwithstanding such omission, is hereby empowered and required, as soon as he shall have knowledge thereof, to issue his warrant against such person so omitted, in the same manner as if he had been returned a defaulter; and in case the said Publick Treasurer shall not have a just information of what such person's tax doth amount to, the said warrant shall run for treble the sum such person was rated in the last tax, and shall be dealt with in all other respects as a defaulter. In case of omission to make return.

XXI. *And be it further enacted* by the authority aforesaid, That the Publick Treasurer shall have full and ample power in all respects, for collecting and getting in arrears of taxes, which are or were due, by any former law or Act of Assembly, notwithstanding the same be repealed or expired; and the same may be levied and recovered by virtue of any warrant or warrants, under the hand and seal of the Publick Treasurer in manner as aforesaid. Arrears of former taxation to be collected.

XXII. *And be it further enacted* by the authority aforesaid, That in case any person shall happen to dye between the time of giving in his account to the said collectors and inquirers and the paying in of his tax, and any goods or chattels of the deceased to the value of the sum he was assessed at, shall come to the hands of his executors or administrators, or any executors in their own wrong, such executors or administrators shall pay the same by the time before limited, prior to all mortgages, judgments and debts whatsoever, (debts due to his Majesty excepted,) or otherwise a warrant or execution shall issue against the proper goods of such executor or administrator; and if any person between the time limited for rendering the account of his estate to the collectors and inquirers aforesaid, and the time of paying in his tax, shall be about to depart this Province, the said Publick Treasurer is hereby required and empowered, forthwith to levy the same, notwithstanding the days of payment are not then already come, unless such person will find sureties to the liking of the said Publick Treasurer for payment thereof at the time appointed. Proceedings in case of taxable's death.

XXIII. *And be it further enacted* by the authority aforesaid, That all deeds of gifts, conveyances, mortgages, sales and assignments of lands and tenements, goods and chattels, of any persons whatsoever, made with an intent to avoid his being assessed or paying his tax, are hereby deemed and declared to be fraudulent and null and void to all intents and purposes whatsoever. Fraudulent deeds or gifts made void.

XXIV. *And be it further enacted* by the authority aforesaid, That in case any person who has mortgaged any part of his real and personal estate, shall refuse or neglect to pay tax for the same, the mortgagee shall be answerable and subject to pay the sums assessed on the mortgagor; provided, such real and personal estate is in the possession or occupation of the mortgagee. Mortgagees made liable.

XXV. *And be it further enacted* by the authority aforesaid, That the said Public Treasurer and collectors, inquirers, assessors, marshall or constables, and every other magistrate or officer that shall neglect or refuse to do and perform the several matters hereby required of them respectively to be done and performed, within the time prescribed by this law, shall for every such neglect or refusal, forfeit the sum of one hundred pounds, Penalty for neglect of duty.

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to be recovered in any of his Majesty's courts of record in Charlestown, the one half to his Majesty, his heirs and successors, for the support of this Government, and the other half to him or them that will sue for the same by action of debt, bill, plaint or information, wherein no essoign, protection, noli prosequi or wager of law, shall be allowed or admitted of.

Officers dying
the Governor
may appoint in
their place.

XXVI. *And be it further enacted* by the authority aforesaid, That in case any of the collectors, inquirers, commissioners or assessors before mentioned in this Act, shall happen to dye, refuse to act, or depart this Province, before they have executed the powers and authorities hereby given them, that then his Excellency the Governour, or the Commander-in-chief for the time being, is hereby impowered to nominate and appoint another fit person in the room of him so dying, going off or refusing to act; and the person so appointed shall have the same powers, and be under the same penaltys as the collectors, inquirers or assessors hereby nominated.

Executions
may be granted
against provost
marshals and
their executors.

XXVII. *And be it further enacted* by the authority aforesaid, That the Public Treasurer, and the Publick Treasurer of this Province for the time being, be and are hereby impowered, to grant immediate execution against the provost marshal, and the provost marshal for the time being, and all former provost marshals, and in case of their decease, against their executors and administrators, where there are assets, for all arrears of taxes due and owing to the publick of this Province, and also against all former constables and collectors of taxes, and collectors of taxes for the time being, for all taxes now or hereafter to grow due, when the time is or shall be elapsed for paying the same, and also against all and every person and persons whatsoever, for all taxes due or to grow due to the public of this Province, after the times for paying in the same, are or shall be fully expired.

In case execu-
tion is issued for
more than is
due.

XXVIII. *And be it further enacted* by the authority aforesaid, That in case the said Publick Treasurer, or the Publick Treasurer for the time being, shall grant any execution or executions against any of the said provost marshals or provost marshal for the time being, or against any former collector or collectors, or the collector or collectors for the time being, where there is nothing due, or for any more moneys than is come to their hands, or against any person as a defaulter who hath bona fide paid his tax to the provost marshal or collector, and is returned to the Public Treasurer as paid by the collector or provost marshal, it shall and may be lawful, to and for such provost marshal, collector and other person against whom such execution is wrongfully granted, to maintain an action at law against such Public Treasurer, and recover double damages and treble costs of suit.

Double dam-
ages and treble
costs.

Proceeding
against
collectors.

XXIX. *And be it further enacted* by the authority aforesaid, That where any collector or collectors shall neglect to make due returns of the moneys by him received, or return any person as a defaulter who has paid in his tax to the collector, and the person paying in his tax to such collector shall suffer any damage thereby, all and every person so injured, shall have like damages and costs against such collector as is before given against the said Publick Treasurer or Receiver.

Officers may
plead the gene-
ral issue and
give this act in
evidence.

XXX. *And be it further enacted* by the authority aforesaid, That if any inquirer, or assessor, or collector, or provost marshal, Public Treasurer, or other officer or person whatsoever, shall happen to be sued for any matter or thing whatsoever by him or them done in execution of this Act, it shall and may be lawful for all and every such inquirers, collectors, assessors, provost marshals, Public Treasurers and other persons, to plead the general issue and give the special matter and this Act in evidence; and in case a verdict pass for the defendant or defendants, he or they shall recover double costs of suit.

XXXI. And whereas, the tax for the current year will amount to the sum of forty thousand one hundred and sixty pounds and twelve shillings and six pence, *Be it therefore enacted* by the authority aforesaid, That the aforesaid sum of forty thousand one hundred and sixty pounds twelve shillings and six pence, as also the sum of four thousand one hundred and ninety pounds ten shillings and ten pence, now in the treasury unapplied, shall be appropriated, applied and paid by the Publick Treasurer, according to the schedule hereunto annexed, and not otherwise, that is to say, to

A. D. 1733.

Appropriation
of the sum
raised.

AN ESTIMATE

Of the Publick Debts, from the twenty-fifth day of March, one thousand seven hundred and thirty-two, to the twenty-fifth day of March, one thousand seven hundred and thirty-three.

ON THE ESTABLISHMENT OF FORT MOORE, VIZ :

The Captain, for one year, three hundred pounds,	£ 300 00 00
Lieutenant, one hundred and sixty-eight pounds ; Sergeant one hundred and fourteen pounds,	282 00 00
Twenty-four men, at seven pounds per month, two thousand and sixteen pounds,	2016 00 00
Provisions for twenty-seven men, at thirty-two pounds per head, eight hundred and sixty-four pounds,	864 00 00
Sundry orders for corn delivered publick store, two hundred and three pounds two shillings and six pence,	203 02 06—£3665 02 06

FORT PRINCE GEORGE.

To the Captain per annum, three hundred pounds,	300 00 00
Lieutenant, one hundred and sixty-eight pounds : Sergeant, one hundred and fourteen pounds,	282 00 00
Fourteen men, at seven pounds per month, one thousand one hundred and seventy-six pounds,	1176 00 00
Provisions for seventeen men, at thirty-two pounds per head, five hundred and forty-four pounds,	544 00 00—£2302 00 00

RANGERS OR LAND SCOUT.

Captain, per annum, two hundred and forty pounds,	240 00 00
Sergeant, one hundred and sixty-eight pounds,	168 00 00
Twenty men, at twelve pounds per month, two thousand eight hundred and eighty pounds,	2880 00 00—£3288 00 00

SCOUT BOAT.

Captain, per annum, one hundred and eighty pounds,	180 00 00
Ten men, at eight pounds per month, nine hundred and sixty pounds,	960 00 00
Provisions for eleven men, at thirty-two pounds per annum, three hundred and fifty-two pounds,	352 00 00—£1492 00 00

JOHNSON'S FORT.

Captain, per annum, two hundred pounds,	200 00 00
Six men, at six pounds per month, four hundred and thirty-two pounds,	432 00 00
Provisions for seven men, at twenty-four pounds per annum, one hundred and sixty-eight pounds,	168 00 00—£ 800 00 00

PAROCHIAL CHARGES.

Twelve Parishes, at forty pounds per annum, four hundred and eighty pounds,	480 00 00
One ditto, Charlestown, at fifty-five pounds,	55 00 00—£ 535 00 00

CONTINGENCIES.

For fort Moore, necessaries, &c. two hundred pounds,	200 00 00
Fort Prince George, ditto, one hundred pounds,	100 00 00
Rangers, fifty pounds,	50 00 00
Scout Boat, one hundred pounds,	100 00 00
Johnson's Fort, fifty pounds,	50 00 00

A. D. 1733.	His Excellency the Governour, three thousand and five hundred pounds,	3500 00 00	
	House rent,	800 00 00	
	Clerk of the Assembly, six hundred pounds,	600 00 00	
	Receiver of tax, three hundred pounds,	300 00 00	
	Repair of parsonage house for Goose Creek, one hundred pounds,	100 00 00	
	Rent of an house for the Assembly, two hundred pounds,	200 00 00	
	Messenger of the House of Assembly,	250 00 00	
	To the deputy Messenger,	150 00 00	£6400 00 00
	To Francis Yonge, to assist the agent in Great Britain, three thousand and five hundred pounds,	3500 00 00	
	Clerk of the Assembly, for writing, forty-three pounds seven shillings and six pence,	43 07 06	
	Order for beasts of prey, fifty pounds,	50 00 00	
	Agent in Great Britain, one thousand four hundred pounds,	1400 00 00	
	Clerk of the Committee of Correspondence, fifty pounds,	50 00 00	£5043 07 06
	Benjamin Massey, account, one hundred and three pounds and two pence,	£103 00 02	
	Assigns of Henry Chidley, seventy pounds two shillings and six pence,	70 02 06	
	Mrs. Fulton, forty-five pounds,	45 00 00	
	Matthew Haines, thirty-five pounds,	35 00 00	
	The Rev. Mr. Garden, one hundred pounds,	100 00 00	
	Joseph and Phillip Massey, forty-four pounds three shillings and nine pence,	44 03 09	
	Henry Jackson, four pounds,	4 00 00	
	Royal Spry, four pounds and ten shillings,	4 10 00	
	William Martyn, two pounds and fifteen shillings,	2 15 00	
	Eleazer Wiggan, forty pounds,	40 00 00	448 11 05
	Commissioners of the fort and barracks at Port Royal, one thousand two hundred and fifty pounds,	1250 00 00	
	Perigrine Fury, Esq. Agent in Great Britain, arrears of salary and his disbursements, one thousand four hundred and ninety-one pounds two shillings and eleven pence,	1491 02 11	
	William Livingston, eight hundred and seventy-four pounds eighteen shillings and eight pence,	874 18 08	
	Daniel Greene, Esq. Coroner, his account, one hundred and sixteen pounds,	116 00 00	
	Theophilus Gregory, one hundred pounds,	100 00 00	
	John Milner's account, fifty-four pounds thirteen shillings and nine pence,	54 13 09	
	John Bonnin's account, four hundred and eighty four pounds fifteen shillings and three pence,	484 15 03	
	Thomas Lloyd, armourer and gunner of Charlestown, three hundred and thirty-seven pounds and fifteen shillings,	337 15 00	
	William King, thirteen pounds and ten shillings,	13 10 00	
	Daniel Butler, messenger of the upper House, one hundred pounds,	100 00 00	
	John Dela Bere, eight pounds,	£ 8 00	
	Ditto another account, two hundred and thirty-eight pounds and ten shillings,	246 10 00	
	Tobias Fitch, for beasts of prey, thirteen pounds and ten shillings,	13 10 00	£5531 07 00
	Eleazer Allen's account, 735 7 6, provided last tax, 400 remains, three hundred and thirty-seven pounds seven shillings and six pence,	337 07 06	
	Jesse Badenhop, clerk of the Council, seventy-six pounds two shillings and six pence,	76 02 06	
	Thomas Squire, rent of a Court Room, fifty pounds,	50 00 00	
	Henry Gignilliat, for ditto, one hundred pounds,	100 00 00	
	Margaret Evans, widow of Rowland Evans, three hundred pounds,	300 00 00	
	Executors of Col. Charlesworth Glover, one thousand and thirty-two pounds,	1032 00 00	

John Lewis, an account, fifteen pounds,	15 00 00	A. D. 1733.
Abraham Messeau, four hundred pounds,	400 00 00	—£2310 10 00
Charles Pinckney, two accounts, 57 and 10, sixty seven pounds,	67 00 00	
Robert Orr, one hundred and sixty pounds, [sinking fund remain- ing orders,]	160 00 00	
James Crookat, twenty-one pounds,	21 00 00	
John Fraser, several orders, sixty-five pounds seven shillings and six pence, [sinking fund remaining orders,]	65 07 06	
Richard Ash, eleven pounds and five shillings,	11 05 00	
Jesse Badenhop, second account, one hundred and forty seven pounds seventeen shillings and six pence,	147 17 06	
John Ouldfeld, Coroner, twenty-four pounds,	24 00 00	
Charles Hart, late Secretary, two hundred pounds,	200 00 00	
Thomas Whitmarsh, printer, twenty-six pounds,	26 00 00	
Childermas Croft, seven pounds twelve shillings and six pence,	7 12 06	
—— Coyle, thirty pounds,	30 00 00	
Henry Gignilliat, account of sundry expences, twenty-four pounds,	24 00 00	
Othniel Beale, cash advanced on the buoys, one hundred and thirty-eight pounds nineteen shillings and six pence,	138 19 06	
Benjamin Izard, for a negro killed, eighty pounds,	80 00 00	
Christopher Lang, wounded at Johnson's fort, fifty pounds,	50 00 00	
Ann Donovan, an Indian woman killed, eighty pounds,	80 00 00	
James Rothford, for a negro killed, eighty pounds,	80 00 00	
John Carmichael, ditto, eighty pounds,	80 00 00	
Benjamin Child, ditto, eighty pounds,	80 00 00	
William Ceely, ditto, eighty pounds,	80 00 00	
Repairs of parsonage house, kitchen or outhouse, at St. Johns, granted the twelfth of February, 1731, two hundred pounds,	200 00 00	
Free School at Childsbury, granted the 3rd March, 1731, one thousand pounds,	1000 00 00	—£2653 02 00
The Hon. Arthur Middleton, Esq. allowed for a negro killed, eighty pounds,	80 00 00	
To John Hammerton, Esq. Secretary, for writing and rent of an office, three hundred and thirty eight pounds fifteen shillings,	338 15 00	
Mr. Oglethorpe, for the use of Georgia, per account layd before this House per Alexander Parris, two thousand pounds,	2000 00 00	
Alexander Davies, Treasurer, his account of moneys advanced, layed before this House for approbation, four thousand six hundred and seven pounds nine shillings and seven pence,	4607 09 07	—£6607 09 07
To the children of the late Col. Herbert, five hundred pounds,	500 00 00	
To the widow of George Bampfild, seven hundred and twenty seven pounds fifteen shillings,	727 15 00	
John Bonnin, another account, thirty-two pounds and ten shillings,	32 10 00	
Daniel and Thomas Laroche, seventy pounds,	70 00 00	
Jacob Bond, a second account on Port Royal fort account, two hundred and fifteen pounds,	215 00 00	
Thomas Whitmarsh, thirty-six pounds,	36 00 00	
James Kilpatrick, two pounds and ten shillings,	2 10 00	
Doctors Cooper & Monteith, two hundred and sixty-nine pounds and fifteen shillings,	269 15 00	
William Bellinger, two accounts, twenty-seven pounds,	27 00 00	
Robert Bonning, two hundred and twenty-seven pounds nine- teen shillings and nine pence,	227 19 09	
Richard Allein, (an account £200, of which is paid 100) remains one hundred pounds,	100 00 00	
Dr. Cleiland, one hundred and nineteen pounds and fifteen shillings,	119 15 00	

A. D.-1733.	To Mr. Robert Yonge, eight pounds,	8 00 00	
	John Croft, thirty pounds,	30 00 00	
	William Mellichamp, three hundred pounds,	300 00 00	—£2666 04 09
	Added to Mr. Gregory's salary, one hundred pounds,		100 00 00
	Butler's, one hundred pounds,		100 00 00
	Badenhop's, three hundred and fifty pounds,		350 00 00
	Secretary's account, eighty-eight pounds and five shillings,		88 05 00
			<hr/> £44351 03 04
	The State House balance, about four thousand pounds, to be applied towards payment of the above debts,	4000 00 00	
	Cash in the hands of Tobias Fitch, one hundred and ninety pounds ten shillings and ten pence,	190 10 10	—£4190 10 10
			<hr/> £40160 12 06

Charlestown one-sixth, six thousand six hundred and ninety-three pounds eight shillings and nine pence.

Country five-sixths, thirty-three thousand four hundred and sixty-seven pounds three shillings and nine pence.

PAUL JENYS, *Speaker*.

In the Council Chamber, 7th June, 1733.

Assented to: ROBT. JOHNSON.

No. 552. AN ACT for laying out a publick road from Peter Lieubrey's Ferry, opposite to Jonathan Skrine's landing, to Mr. Robert Scriven's plantation, opposite to Georgetown, in the parish of Prince George, Winyaw.

(Passed June 7th, 1733. *See last volume.*)

No. 553. AN ACT FOR THE SPEEDIER, BETTER AND MORE EFFECTUAL RELIEF OF HIS MAJESTY'S SUBJECTS OF GEORGIA; AND FOR CONTINUING THE DUTY OF THREE PENCE PER GALLON ON RUM, FOR THE USE OF THE BRICK CHURCH IN CHARLESTOWN, FOR THE TIME THEREIN MENTIONED.

Preamble.

WHEREAS, it manifestly and plainly appears that the inhabitants of his Majesty's Colony of Georgia, through unforeseen accidents, have met with many interruptions, and thereby have been hindered from planting, so as to raise provision and necessaries for their subsistence; the settling of which Colony will in all probability be a very great strengthening and safeguard to this Province, insomuch as it is highly necessary and incumbent upon us to support and assist the said Colony of Georgia to the utmost of our power: And whereas, the tax bill for the present year is already passed, so that no relief can be thereby had or given to his Majesty's said subjects of his Colony of Georgia, by means whereof they will be reduced to great hardships, if not timely provided for; and whereas, in and by an Act of the General Assembly of this Province,

entituled "An Act for carrying on the building and for finishing and completing the Brick Church in Charlestown, and declaring it to be the Parish Church of St. Philip's Charlestown," ratified in open Assembly the ninth day of December, one thousand seven hundred and twenty, it is therein and thereby (among other things) enacted, that three pence per gallon should be paid for every gallon of rum that should be imported into this Province, and that every master of a vessel, merchant or other person, not actually residents in this Province, should from and immediately after the ratification of that Act, pay to the publick Receiver for the time being, five pounds per cent. for all such goods as they should import into this Province, to be computed from the prime cost: We therefore pray your most sacred Majesty that it may be enacted,

A D. 1733.

I. *And be it enacted*, by his Excellency Robert Johnson, Esq. Governour, by and with the advice and consent of his Majesty's honourable Council, and the Assembly of this Province, and by the authority of the same, That from and after the first day of December, in the year of our Lord one thousand seven hundred and thirty-three, the sum of eight thousand pounds current money shall be raised and paid to and for the use of his Majesty's said subjects of his Colony of Georgia, in manner following; that is to say, that from and immediately after the said first day of December, the sum of three pence per gallon shall be paid to the Receiver or Treasurer for the time being, for every gallon of rum that shall be imported into this Province, which sum of three pence per gallon shall be paid by the person or persons importing the same.

£8,000, currency, appropriated to the inhabitants of Georgia.

To be raised by a tax of 3d. per gallon on imported rum.

II. *And be it further enacted* by the authority aforesaid, That from and immediately after the said first day of December, the Treasurer for the time being shall and hereby is impowered to have the same power and authority for taking and receiving the said sum of three pence per gallon for all rum that shall be imported, and to take the same ways and means for recovering thereof as in and by the aforesaid Act of Assembly is particularly appointed.

To be levied and paid to the Treasurer.

III. *And be it further enacted* by the authority aforesaid, That from and after the said first day of December, all and every master and masters of vessels, merchants and other person and persons whatsoever, importing any rum, and shall neglect or refuse to pay the aforesaid duty of three pence per gallon, shall be liable and subject to pay all the fines and forfeitures in the aforesaid Act of Assembly mentioned and contained, and to be recovered in manner and form therein expressly declared; which said Act, as to so much thereof as authorizes the Treasurer for the time being, to take and receive the said duties, and subjects the person or persons importing rum, shall and is hereby declared to be of full force, and shall so remain, continue and be, until the aforesaid sum of eight thousand pounds shall be raised and paid to and for the use of his Majesty's subjects of his Province of Georgia.

To be collected as heretofore.

IV. *And be it further enacted* by the authority aforesaid, That the treasurer for the time being shall, from and after the said first day of December, one thousand seven hundred and thirty-three, pay all and every the sum and sums of money arising by and from the duty of three pence per gallon on rum, that shall from thenceforth be imported into this Province, unto the Honorable James Oglethorpe, Esq. or his order, quarterly, for and during the time of his continuing in this Province, or the Province of Georgia; and from and immediately after his departure, to the order of such person or persons as he shall appoint; and then to be paid quarterly to the Honourable the Trustees for establishing the Colony of Georgia, in America, or to their order; which said orders, so to be drawn or given by

To be paid to J. Oglethorpe, or his order.

A. D. 1733.



the said James Oglethorpe, Esq., or by the Honourable the Trustees, or their order, shall be a sufficient power and authority to the Treasurer for the time being, for paying all and every the sum and sums of money arising by this Act, to and for the only use, benefit and support of his Majesty's said subjects of Georgia; and to and for no other use, end, intent or purpose whatsoever.

The said duty to be applied also to finishing St. Philip's Church, in Charleston.

V. *And be it further enacted* by the authority aforesaid, That the aforesaid duty of three pence per gallon only, on rum, shall be paid and applied for the finishing of St. Philip's Charlestown, in manner directed in and by the aforesaid Act of Assembly, passed the ninth day of December, one thousand seven hundred and twenty, and no longer; any thing herein before or in any other Act contained, to the contrary thereof in any wise notwithstanding.

PAUL JENYS, *Speaker*.

In the Council Chamber, 9th June, 1733.

Assented to: ROBERT JOHNSON.

No. 554.

AN ACT FOR ERECTING A FREE SCHOOL AT CHILDSBURY.

Preamble.

WHEREAS, nothing conduces more to the private advantage of every man, or the public benefit of a country in general, than a liberal education, and the same cannot be had without due encouragement to persons qualified to instruct youth; and Mr. James Child, late of this Province, deceased, desiring as far as lay in his power to promote the same, did in and by his last will and testament, give and bequeath the sum of five hundred pounds current money of Carolina, towards the encouragement of a grammar school and other learning at Childsbury in St. John's parish, in Berkley county; and also did further give, devise and bequeath the sum of one hundred pounds like money, and a lot to build a convenient house for the said school, and left the same to certain trustees in his said will named, to manage the same according to the directions of his will; and the said sums being far too short for the said purposes, several gentlemen, well weighing the great want of necessary learning in this Province, and being desirous to encourage so good an undertaking, (according to their several abilities,) have by voluntary subscriptions raised the sum of two thousand two hundred pounds like current money, to be added to the legacy of the said James Child, and have also chosen trustees to be joined with those named in the said Mr. James Child's will, to manage the said sums for the use of the said school, and as visitors to order, direct and govern the said school; we therefore humbly pray your most sacred Majesty that it may be enacted,

Sums subscribed and bequeathed to be one fund.

I. *And be it enacted*, by his Excellency Robert Johnson, Esq. Governour, by and with the advice and consent of his Majesty's honourable Council and the Commons House of Assembly of this Province, and by the authority of the same, That the said several sums given and bequeathed in and by the last will and testament of the said James Child, for the use of the said school, and the several sums raised by subscription for the same use, be for the future united and declared to be one individual fund for the purpose aforesaid, and that the same shall not be applied or diverted to any other use or uses whatsoever.

Names of trustees.

II. *And be it further enacted* by the authority aforesaid, That the honourable Thomas Broughton, Esq. Lieutenant Governour, the Reverend

Mr. Thomas Hassell, Anthony Bonneau, John Harleston, Nathaniel Broughton, Thomas Cordes and Francis Lejau, Esquires, shall be trustees for the said school, and that they shall have full power and authority to manage the several legacys and subscriptions already given and made, and which shall from time to time hereafter be made, devised or given for the use of the said school, according to their discretion. A. D. 1733.

III. *And be it further enacted* by the authority aforesaid, That they, or the majority of them, shall have full power and authority to elect a master or masters, usher or ushers, and appropriate such a sum or sums for a salary or salaries out of the income of the said fund, as they shall think proper; and also the said master or masters, usher or ushers, to turn out, and others to elect; and to make such rules for the better ordering and governing the said school, as they or a majority of them shall in their discretion think necessary. Trustees im-
powered to
elect masters or
ushers.

IV. *And be it further enacted* by the authority aforesaid, That the trustees are hereby impowered to receive from time to time, such sum or sums of money, houses, lands, tenements, or any other gifts or legacys, as any well disposed persons shall think fit to give or bequeath unto them for the use of the said school, and to build such house or houses as they shall think necessary and convenient. Trustees may
receive gifts,
legacies, &c.

V. *And be it further enacted* by the authority aforesaid, That no person shall be a trustee, except he hath subscribed an hundred pounds, and no person shall have a vote in electing trustees, except he hath subscribed fifty pounds for the use of the said school; and that after the death of any of the subscribers, their heirs or assigns by them appointed, shall have the same privileges as the subscribers themselves had, or of right ought to have. Qualification of
trustees and
voters.

VI. *And be it further enacted* by the authority aforesaid, That upon the death or resignation of any of the trustees, the survivors of them shall give notice to the subscribers, or to the heirs or assigns of such of the subscribers as shall be dead, within three months to meet at Childsbury, at a certain day, to elect another trustee in the place of the person deceased. How vacancies
shall be filled.

VII. *And be it further enacted* by the authority aforesaid, That the trustees or the majority of them, be obliged to meet at Childsbury once in three months at least, to consider of all things for the benefit of the said school, and that if any of them omit meeting for the space of one whole year, without a reasonable excuse, to be approved of by the rest of the trustees or the majority of them, that then it shall be lawful for them to declare his place to be vacant; and in such case they shall give notice to the subscribers to meet and elect another trustee in his room, as in case of death or resignation; and if the trustees shall neglect or refuse to summon the subscribers to meet within the time aforesaid to elect a trustee or trustees, that then the subscribers may meet and elect a trustee or trustees of their own accord, and the said person or persons so elected, shall be deemed to be a trustee or trustees, and have the same power and authority to act jointly with the others as those named in this Act. Trustees shall
meet once in
three months.

VIII. And whereas, Francis Williams, late of Berkley county, deceased, did in and by his last will and testament empower his executors to dispose of such sums as were remaining of his estate, to such charitable uses as they thought fit: his said executors have given the sum of two hundred pounds to the said school, *Be it enacted* by the authority aforesaid, That the interest of the said sum be appropriated to the teaching so many poor scholars as the trustees shall think proper. Appropriation
of a legacy.

A. D. 1733.

Persons subscribing hereafter to have the same privileges as former subscribers.

Trustees impowered to lend money.

IX. *And be it further enacted* by the authority aforesaid, That if any charitable person or persons, shall hereafter subscribe any sum or sums of money to the said school, or give the same by will, he or they so subscribing or giving (or their assigns by them appointed.) shall have the same privileges as those who have already subscribed, subject, nevertheless, to the exceptions in this Act mentioned.

X. *And be it further enacted* by the authority aforesaid, That the trustees above mentioned and their successors, are hereby impowered to lend the said moneys out at interest, and to take bonds or notes, or any other instruments of writing, and to purchase lands and let them out by the year or lease them for a term of years; and the said bonds, notes and other instruments of writing, shall be in the name of themselves and their successors, for the use of the said school; and they are hereby impowered to demand and sue for any rents, legacys, notes, bonds or any other moneys that are or shall hereafter become due unto them, and to take possession of any houses, lands or tenements which shall be given or bequeathed to them for the use of the said school.

PAUL JENYS, *Speaker.*

In the Council Chamber, 9th June, 1733.

Assented to : ROBT. JOHNSON.

No. 555. AN ACT to encourage the settling of his Majesty's Township on Santee and Wateree Rivers, and also Savanna Town and the Township on the head of Pon Pon River.

(Passed 15th September, 1733, according to Grimke: but too much mutilated to be copied.)

No. 556. AN ACT FOR EASE IN PLEADING IN TROUBLESOME AND CONTENTIOUS SUITS PROSECUTED AGAINST JUSTICES OF THE PEACE, CONSTABLES AND CERTAIN OTHER HIS MAJESTY'S OFFICERS, FOR THE LAWFUL EXECUTION OF THEIR OFFICE.

FOR ease in pleading against any contentious suits which have been, and daily are, and may be commenced and prosecuted against justices of the peace, bailiffs, constables, serjeants in the militia, and other officers, who for due execution of their offices have been troubled and molested, and still are likely to be troubled and molested by evil disposed, contentious persons, to their great charge and discouragement in doing of their offices,

I. *Be it therefore enacted*, by his Excellency Robert Johnson, Esquire, Governour, Captain-General, and Commander-in-chief, in and over his Majesty's Province, by and with the advice and consent of his Majesty's honourable Council, and the Commons House of Assembly of this Province, and by the authority of the same, That if any action, suit, bill, plaint or information, now is, or shall at any time or times hereafter, be brought, sued, commenced or prosecuted against any of the justices of the

peace, bailiffs, constables, serjeants, or other officers, civil or military, in this Province, for or concerning any matter, cause or thing, by them or any of them done or to be done, by virtue or reason or in pursuance of their or any of their office or offices, that it shall and may be lawful to and for every such justice and justices of the peace, bailiffs, constables, serjeants, and other officer and officers, and all others, which in their aid or assistance, or by their commandment, shall do any thing touching or concerning his or their office or offices, to plead the general issue, that he or they are not guilty, or that he or they owe nothing, and to give such special matter in evidence to the jury which shall try the same, which special matter being pleaded, had been a good and sufficient matter in law, to have discharged the defendant or defendants of the trespass or other matter laid to his or their charge, any law, statute or usage to the contrary notwithstanding; and if the verdict shall pass for the said defendant or defendants in any such action or suit, or the plaintiff or plaintiffs therein become nonsuit or suffer any discontinuance thereof, that in every such case the justice or justices, or such other judge or judges before whom such matter shall be tried, or such action or suit shall be brought, shall and they are hereby required by force and virtue of this Act, to tax and allow to such defendant and defendants, his or their double costs, which he or they shall have sustained or be put unto by reason of their wrongful vexation, in defence of such action or suit, for which the said defendant and defendants shall have the like remedy as in other cases where costs by law are given to the defendant or defendants.

A. D. 1733.

Remedy in case justices of the peace, constables, &c. are prosecuted for any thing done in the execution of their office.

PAUL JENYS, *Speaker.*

In the Council Chamber, the 15th of September, 1733.

Assented to: ROBERT JOHNSON.

AN ACT for vesting the Ferry over Santee River, in the Parish of St. James Santee in Craven County, in Joseph Spencer, his administrators and assigns, &c. No. 557.

(Passed Sept. 22, 1733. *See last volume.*)

AN ACT for establishing a Ferry at the Plantation of Wm. Watson, in Christ Church Parish, commonly called Hobcaw, to Charlestown. No. 558.

(Passed Sept. 22, 1733. *See last volume.*)

AN ACT for the establishing and registering of two Ferries, at the particular places therein mentioned; to wit, the one over Stono river, from Col. Alexander Hext's Plantation, to Mr. Thomas Heyward's Plantation on James Island; the other over Ashley river, from the Plantation of Mr. Gabriel Manigault, on James Island, to the White Point in Charlestown. No. 559.

(Passed Sept. 22, 1733. *See last volume.*)

A. D. 1733.

No. 560. AN ACT for establishing a Ferry at the Plantation of Col. S. Prioleau, on Port Royal Island, to the land of Thomas Inns, Esq.

(Passed Sept. 22, 1733. *See last volume.*)

No. 561. AN ACT for keeping and maintaining a Watch and Good Order in Charlestown.

(Passed Sept. 22, 1733. *See last volume.*)

No. 562. AN ACT for vesting the Ferry over Ashley River in Edmund Bel-linger, Esq. for 7 years.

(Passed Sept. 22, 1733. *See last volume.*)

No. 563. AN ACT TO IMPOWER HIS EXCELLENCY THE GOVERNOUR, TO NOMINATE A COMMISSIONER IN THE ROOM OF THE HONOURABLE FRANCIS YONGE, ESQ. FOR EXECUTING THE POWERS GRANTED TO HIM WITH OTHER COMMISSIONERS APPOINTED IN AND BY AN ACT OF THE GENERAL ASSEMBLY, ENTITLED AN ACT FOR CALLING IN, REPRINTING AND EXCHANGING THE PAPER BILLS OF CREDIT, AND FOR MAKING GOOD AND CURRENT THOSE BILLS REPRINTED BY VIRTUE OF THE SAID ACT WHICH ARE SIGNED BY JOHN HAMMERTON, ESQ. IN THE ROOM OF THE SAID FRANCIS YONGE, ESQ.

Preamble.

WHEREAS, in and by an Act of the General Assembly of this Province, entitled an Act for calling in, reprinting and exchanging the paper bills of credit, ratified the twentieth day of August, in the year of our Lord one thousand seven hundred and thirty-one, among other things it was enacted, that the honourable Francis Yonge, Esq. Mr. Roger Saunders and Mr. Othniel Beale, be and they are thereby appointed commissioners to put in execution the several powers and authorities thereafter mentioned: And whereas, before the several powers and authorities therein mentioned were executed and performed, the said Francis Yonge, Esq. was obliged to go off this Province on the affairs thereof, and thereupon his Excellency the Governour did commission and appoint John Hammerton, Esq. to be a commissioner for calling in, reprinting and exchanging the said paper bills of credit, in the room of the said Francis Yonge, Esq. in pursuance of which commission the said John Hammerton, Esq. did sign several of the new bills printed by virtue of the said Act, but before they were all signed or exchanged, the said John Hammerton, Esq. went off this Province for the recovery of his health: And whereas, divers disputes may hereafter arise concerning the said bills so signed by the said John Hammerton, Esq. as also concerning those to be signed by any other commissioner to be appointed by his Excellency the Governour, in the room of the said Francis Yonge, Esq. or in the room of

any other of the commissioners named in the said Act: For the prevention, therefore, of all doubts and disputes that may arise concerning the said bills so signed by the said John Hammerton, Esq. or those to be signed by such other commissioner or commissioners as shall be appointed by his Excellency the Governour for that purpose, we humbly pray your most sacred Majesty, that it may be enacted,

A. D. 1733.

I. *And be it enacted*, by his Excellency Robert Johnson, Esq., Governor, Captain General and Commander-in-chief, in and over His Majesty's Province of South Carolina, by and with the advice and consent of His Majesty's honourable Council and the Commons House of Assembly of this Province, and by the authority of the same, That it shall and may be lawful to and for his Excellency Robert Johnson, Esq. Governour, &c. to appoint and commission one or more commissioner or commissioners in the room of the said Francis Yonge, Esq. which said commissioner or commissioners shall have the same powers and authorities in the calling in, reprinting, signing and exchanging the said bills of credit, reprinted by virtue of the said Act herein before mentioned, as the said Francis Yonge would have had, had he remained in this Province, or as if the said commissioner or commissioners had been originally named and appointed in and by the said Act of the General Assembly for the calling in, reprinting and exchanging the paper bills of credit.

It shall be lawful for the Governour to appoint a commissioner in the room of Francis Yonge, Esq.

II. *And be it further enacted* by the authority aforesaid, That the said bills so to be signed and exchanged by the said commissioner or commissioners to be appointed in pursuance of the direction of this Act, and the said bills signed by the said John Hammerton, with the said Othniel Beale and Roger Saunders, shall be and they are hereby declared to be good, current and lawful money of this Province of South Carolina, and as such shall be deemed and taken by all person and persons whatsoever within this Province, in such and the same manner as if the said bills had been signed, reprinted and exchanged by the said Francis Yonge, together with the said Othniel Beale and Roger Saunders, within the time limited by the said Act, herein before in part recited, for the doing the same, or as if the same had otherways been reprinted, signed and exchanged by the said Francis Yonge, Othniel Beale and Roger Saunders, in pursuance of the direction of another Act of the General Assembly, entitled an Act to supply the defects in the execution of an Act entitled an Act for calling in, reprinting and exchanging the paper bills of credit; any thing in the said Acts, or either of them, to the contrary notwithstanding.

The bills signed by such commissioner, and those signed by John Hammerton, Esq. declared good and lawful money.

III. *And be it further enacted* by the authority aforesaid, That if it shall so happen, that the said Othniel Beale, Roger Saunders, or the commissioner or commissioners to be appointed in pursuance of the direction of this Act, shall happen to die, depart this Province or refuse to act, before all the said bills of credit are reprinted, signed and exchanged, that then and in such cases it shall and may be lawful to and for his Excellency the Governour to nominate and appoint other commissioner or commissioners in the room and place of him and them so dying, departing this Province, or refusing to act, which said commissioner and commissioners so to be appointed shall have the same powers and authorities in reprinting, signing, calling in and exchanging the said paper bills of credit, as if he or they had been originally named and appointed in and by the said Act herein before first mentioned.

If any of the commissioners shall die or depart this Province, before all the said bills are exchanged, the Governour to appoint others.

PAUL JENYS, *Speaker.*

In the Council Chamber, September the 22d, 1733.

Assented to: ROBT. JOHNSON.

A. D. 1733.

No. 564. *AN ACT* TO IMPOWER HIS EXCELLENCY ROBERT JOHNSON, Esq. GOVERNOUR, TO APPOINT COMMISSIONERS AND SURVEYORS FOR RUNNING THE BOUNDS OF THE SEVERAL COUNTIES IN THIS PROVINCE.

Preamble.

WHEREAS, several disputes have happened between the inhabitants of the several counties in this Province, concerning their bounds and limits, so that the high-roads lying near the bounds of the said counties have lain neglected, to the great detriment of travellers and those that have had occasion to make use of the roads, and many persons have screened themselves from paying taxes and working on the high-ways, by reason of the uncertainty of the said bounds, to the great prejudice of the Province; we therefore most humbly pray your most sacred Majesty, that it may be enacted,

The Governour may appoint commissioners and surveyors to lay out the bounds of the several counties.

I. *And be it enacted*, by his Excellency Robert Johnson, Esquire, Governour, Captain General and Commander-in-chief in and over this his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honorable Council and the Commons House of Assembly of this Province, and by the authority of the same, That his Excellency Robert Johnson, Esq. Governour, and the Governour for the time being, is hereby empowered and authorized to appoint such person or persons as he and they shall think proper, as commissioners and Surveyors, to survey and lay out the bounds and limits between the said several Counties in this Province.

The place where the commissioners shall draw the line between Berkley and Craven county.

II. *And be it further enacted* by the authority aforesaid, That the commissioners or surveyors that shall be appointed by his Excellency the Governour, or the Governour for the time being, for running the line between Berkley county and Craven county, shall begin at the plantation of Samuel Wigfall, which plantation shall be included in Berkley county, and is at the head of Sewee river or Oindaw creek, and from thence run back a course North-west five-and-forty degrees, and mark a fair line, until they come to Santee river, which line shall be deemed and forever hereafter accounted to be the bounds between Berkley and Craven county; and from the end of the said line, the river upward shall be the bounds between the said counties; and that the several other county lines shall be likewise run according to the ancient course, whensoever application shall be made to his Excellency the Governour, or to the Governour for the time being, for the running the same.

The other county lines shall be run according to the ancient course.

Commissioners to give 15 days notice before they run a county line.

III. *And be it further enacted* by the authority aforesaid, That the commissioners or surveyors that shall be appointed by his Excellency the Governour, or the Governour for the time being, in pursuance of this law, shall fifteen days before he or they begin to run the said county lines respectively, put up publick advertisements at the several Parish Churches.

The surveyor that runs county lines allowed £5 per diem.

IV. *And be it further enacted* by the authority aforesaid, That the surveyors who shall be appointed by his Excellency the Governour, or the Governour for the time being, to run the said county lines, shall be allowed each of them the sum of five pounds per diem, current money, in full of all fees, charges and expences whatsoever, and that one surveyor be appointed for each county line, and no more.

PAUL JENYS, *Speaker.*

In the Council Chamber, the 22d of September, 1733.

Assented to: ROBT. JOHNSON.

A. D. 1733.

No. 565.

AN ACT FOR THE FURTHER REGULATION OF THE INDIAN TRADE, AND TO
REVIVE AND CONTINUE THE ACT THEREIN MENTIONED.

WHEREAS, the safety and welfare of the inhabitants of the out settlements of this Province in great measure depend on the due execution of the laws regulating the trade with the Indians, and confining the Indians to trade only within the limits fixed and appointed by law for that purpose; and whereas, in and by an Act of the General Assembly of this Province, intituled an Act for the better regulating the Indian trade, and for appointing a commissioner for that purpose, it was among other things enacted, that from and after the ratification of the said Act, if any person or persons whatsoever, other than such as duely obtain lycences in the manner thereinafter mentioned, should directly or indirectly visit, trade, traffick or barter with any Indian or Indians in amity with this Government, (except the following nations who are deemed to be resident within the settlements, viz: Ittewans, Cussoes, Winyaws, Cape Fairs, Keywaws, St. Helenas and Edistoos,) all and every such offender or offenders, shall forfeit the sum of one hundred pounds proclamation money, to be sued for and recovered as therein is after directed, the one half to his Majesty, his heirs and successors, for the use of this Province, and the other half to him or them that shall sue for the same. And whereas, the penalty of one hundred pounds proclamation money mentioned in the said law, hath been found to be too small to deter people from trading with the Indians within the bounds and limits mentioned in the said Act, by reason whereof several nations of Indians not mentioned in the said Act to be traded with within the settlements, have been encouraged to come down within the settlements, to trade with the inhabitants of this Province, contrary to the intention of the said Act, and to the great terror of the inhabitants of the out settlements; for the prevention of the like practices for the future, we pray your most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted,* by his Excellency Robert Johnson, Esquire, Governour, Captain General and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honourable Council and the Commons House of Assembly of this Province, and by the authority of the same, That if any person or persons whatsoever, after the ratification of this Act, other than such person or persons as duely shall obtain lycences in the manner and for the purposes mentioned in the said Act, shall trade, traffick, barter or exchange for or with any goods, wares or merchandize whatsoever, with any Indian or Indians whatsoever within this Province, except the Indians commonly called and known by the name and names of Ittewans, Cussoes, Winyaws, Cape Fairs, Keywaws, St. Helenas, Pedees and Edistoos, all and every such person or persons who shall so trade, traffick, barter or exchange for or with any goods, wares or merchandizes whatsoever with any Indian or Indians whatsoever, (except as before is excepted) shall forfeit and pay the sum of five hundred pounds proclamation money, for every time he or they shall so trade, traffick, barter or exchange with or for any goods, wares or merchandizes whatsoever, with any Indian or Indians whatsoever, (except as before is excepted;) which said sum of five hundred pounds proclamation money, shall be forfeited and paid, the one half to such person and persons as will inform and sue for the same in any court of record in this Province, by action of debt, bill, plaint or information, wherein no

Lycences to
extend to traf-
ficking with all
Indians within
the Province.

A. D. 1733.

essoign, protection or wager of law shall be admitted or allowed, and the other half of the said sum of five hundred pounds proclamation money, to his Majesty for the use of this Province, any thing in the herein before recited Act, or any other Act, law, statute, usage or custom, to the contrary notwithstanding.

Extended to
foreign Indians.

II. *And be it further enacted* by the authority aforesaid, That the commissioner of the Indian trade, or the commissioner of the Indian trade for the time being, shall not grant any lycence to any person or persons whatsoever, without the leave and approbation of his Excellency the Governour for the time being, (who is hereby impowered to grant the same,) by and with the advice of his Majesty's Honourable Council, to trade with any foreign Indian or Indians within the limits and bounds mentioned in the said Act of the General Assembly for the better regulation of the Indian trade, and appointing a commissioner for that purpose; any thing in this Act to the contrary notwithstanding.

Former act re-
vived.

III. *And be it further enacted* by the authority aforesaid, That the said Act herein last before mentioned, and every clause and article therein, be, and is hereby declared to be revived and be in force for and during the term of three years from the ratification of this Act, and from thence to the end of the next session of the General Assembly, and no longer.

Residents to be
appointed
among the
Indians.

IV. And whereas, it is expected that a large body of foreign Indians, to wit, of Cherokee and Catawba Indians, will come down into the settlements shortly, to trade, contrary to their own treaties and agreements and the intentions of the herein before recited Act, and the purview and design of this Act; for the prevention therefore of such pernicious designs, *Be it further enacted* by the authority aforesaid, That his Excellency the Governour shall and may appoint, with the consent of his Majesty's Honourable Council, such a number of persons as he shall think necessary, to meet the said Indians on the borders of the settlements, who shall constantly attend and remain with the said Indians by day and night, from the said borders to Charlestown, to take notice of and prevent any person or persons trading with the said Indians, and the said persons shall be and remain with the said Indians during their stay in Charlestown and within the settlements, to prevent as much as in them lies, any infringement of this law, either by the said Indians or the inhabitants of this Province; provided that the said persons so to be appointed by his Excellency the Governour to attend and be with the said Indians, shall not exceed the number of ten persons.

Tobias Fitch
sole commis-
sioner.

V. And whereas, there hath been no commissioner of the Indian trade appointed by Act of the General Assembly since the death of John Herbert, Esq. late commissioner of the Indian trade, and it is necessary that the said commissioner should receive his authority from the General Assembly, *Be it therefore enacted* by the authority aforesaid, That Tobias Fitch, Esq. be and he is hereby appointed sole commissioner of the Indian trade in this Province, for and during the term of one year from the ratification of this Act, and from thence to the end of the next session of the General Assembly, and that he shall, and he is hereby invested with all the powers and authorities, and intituled to all the perquisites and privileges, and shall be subject and liable to all the pains, penalties and forfeitures * * * * or subject and liable to.

PAUL JENYS, *Speaker.*

In the Council Chamber, 22d September, 1733.

Assented to: ROBT. JOHNSON.

A. D. 1733.

AN ACT TO REVIVE AND CONTINUE THE SEVERAL ACTS OF THE GENERAL ASSEMBLY OF THIS PROVINCE THEREIN MENTIONED.

No. 566.

WHEREAS, several wholesome and beneficial laws of this Province, which were only enacted *pro tempore*, are expired or near expiring, therefore, that this your Majesty's Province may not be deprived of the benefit and advantage of such laws, we humbly pray your most sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Excellency Robert Johnson, Esq. Governour, Captain General and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council and the Assembly of this Province, and by the authority of the same, That an Act of the General Assembly of this Province, entitled an Act for the better settling and regulating the Militia, ratified the second day of September, in the year of our Lord one thousand seven hundred and twenty-one; and one other Act entitled an Act for ascertaining Public Officers Fees, ratified the twenty-first day of September, in the year of our Lord one thousand seven hundred and twenty-one; and one other Act entitled an Act for the better security of his Majesty's Province, by putting the inhabitants thereof in a better posture of defence, ratified the fifteenth day of February, in the year of our Lord one thousand seven hundred and twenty-three; and one other Act entitled an Act for the better ordering and governing of Negroes and other Slaves, ratified the twenty-third day of February, in the year of our Lord one thousand seven hundred and twenty-two; and one other Act entitled an Act for regulating the Guard at Johnson's Fort, and for keeping good orders in the several Forts and Garrisons under pay and establishment of the Government of this Province, ratified the fifteenth day of February, one thousand seven hundred and twenty-three; and one other Act entitled an Act to settle Patrols in convenient parts of this Province, ratified the ninth day of December, in the year of our Lord one thousand seven hundred and twenty-five---be, and they and each and every of them are hereby declared to be revived and continued and enacted to be of full force and virtue, for and during and unto the full end and term of one whole year, from and after the passing this Act, and from thence to the end of the first session of the next General Assembly after, and no longer.

II. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful to and for his Excellency the Governour, and the Governour for the time being, and all and every the Judge and Judges, and other officers, ministers and persons whatsoever, named or mentioned, and to whom any fees are allowed, limited or appointed in and by the said Act entitled an Act for ascertaining Public Officers Fees, to take and receive the several fees in the said Act respectively to them limited, in the current bills of this Province, at the exchange of five for one; any thing in the said Act, or in any other Act of the General Assembly of this Province relating to fees, to the contrary notwithstanding.

PAUL JENYS, *Speaker*.

In the Council Chamber, Sept. 22, 1733.

Assented to: ROBT. JOHNSON.

N. B.—By this Act the Governors, Judges, &c are to receive their fees in current money, at five for one. But see the Fee Act of Ma 29, 1736.

A. D. 1734.

No. 567. *AN ACT* FOR DIVIDING THE PARISHES OF ST. PAUL'S IN COLLETON COUNTY, AND PRINCE GEORGE WINYAW, IN CRAVEN COUNTY.

Preamble.

WHEREAS, the Parishes of St. Paul's, in Colleton County, and Prince George Winyaw, in Craven County, are of a very large extent, so that the inhabitants thereof cannot attend the publick worship according to the custom of the Church of England, by reason of the great distance many of the inhabitants of the said parishes live from the respective parish churches; we therefore humbly pray your most sacred Majesty that it may be enacted,

The Parish of St. Paul's to be divided as herein mentioned.

I. *And be it enacted*, by his Excellency Robert Johnson, Esq. Governour, by and with the advice and consent of his Majesty's honourable Council and the Commons House of Assembly of this Province, and by the authority of the same, That the Parish of St. Paul's, in Colleton County, shall be divided as hereafter is mentioned; that is to say, that John's Island, Wadmelaw Island and Edisto Island, and the other adjacent Islands to the seaward, be and are hereby declared to be a distinct Parish by itself, separate from the other part of St. Paul's Parish, and for ever hereafter shall be called and known by the name of St. John's Parish, in Colleton County.

The Parish of Prince George Winyaw to be also divided.

II. *And be it further enacted* by the authority aforesaid, That the Parish of Prince George Winyaw shall be divided as hereinafter is mentioned; that is to say, beginning at the southwestermost part of the plantation of John Du Bose, on Santee river, from thence on a line to the head of John Green's Creek, and down the said creek till you come to Black river, and from thence over Black river to the plantation of John Bogg, and from the said plantation of John Bogg, to be included in the town parish, in a due north line, till you come to Pedee river; and that part of the said parish wherein the parish church now is, shall and is hereby declared to be a distinct parish by itself, separate from the other part of the Parish of Prince George Winyaw, and for ever hereafter shall be called and known by the name of Prince Frederick; and the other part of the parish, where Georgetown lies, shall be called and for ever hereafter be known by the name of Prince George Winyaw.

Churches and parsonage houses to be built.

III. *And be it further enacted* by the authority aforesaid, That the churches and parsonage houses for the said parishes of St. John in Colleton county and Prince George Winyaw in Craven county, respectively, shall be built in such place and places within the bounds of the said parishes respectively, as the major part of the commissioners hereinafter named shall order, direct and appoint, by and with the advice and consent of the major part of the inhabitants of the said parishes respectively, that shall contribute to the building of the same; and the said parishes respectively shall and may have and enjoy all the privileges and immunities as any other parish in this Province, doth or can have, hold or enjoy, by any law, custom or usage, whatsoever.

Rectors, how to be chosen.

IV. *And be it further enacted* by the authority aforesaid, That the rectors or ministers of the said parishes of St. John in Colleton county, and Prince George Winyaw in Craven county, respectively, shall be elected and chosen in the same manner as the other rectors or ministers of the several other parishes in this Province are, and shall have yearly paid to them and their successors, respectively, in the said parishes, for ever, the same sums as are paid to the other rectors and ministers of the other

country parishes in this Province; and the publick treasurer of this Province for the time being, is hereby authorized, impowered and required to pay the same, under the same penalties and forfeitures as for not paying the salaries due to the other rectors or ministers of the several other parishes in this Province. And the said rectors or ministers of the said parishes of St. John in Colleton county, and Prince George Winyaw in Craven county, respectively, shall have and enjoy all and every such privileges and advantages, and also shall be under all such rules, laws and restrictions, as the other rectors or ministers of the other parishes in this Province are, or have and enjoy.

A. D. 1734.

V. And to prevent any disputes that may hereafter arise between the said parishes of St. Paul and St. Johns in Colleton county, and the parishes of Prince George Winyaw and Prince Frederick in Craven county, concerning the choosing and sending their representatives to the General Assembly of this Province, *Be it enacted* by the authority aforesaid, That the said parish of St. Pauls shall choose and send three members, and the parish of St. Johns in Colleton county, three members, and no more, and the said parish of Prince George Winyaw, two members, and the parish of Prince Frederick two members, and no more, to represent them respectively in the General Assembly of this Province; and that the said parishes respectively shall choose and elect their respective members to serve in the General Assembly, in the same manner as the other parishes is this Province do, and as is required by an Act entituled an Act to ascertain the manner and form of electing members to represent the inhabitants of this Province in the Commons House of Assembly, and to appoint who shall be deemed and adjudged capable of choosing or being chosen members of the said house, and that writs for electing the members for each of the said parishes above named, shall be issued in the same manner and at the same time as for the several other parishes of this Province.

How many members of Assembly shall be chosen by said parishes.

VI. *And be it further enacted* by the authority aforesaid, That the Honorable Col. John Fenwicke, Col. John Gibbes, Mr. John Stanyarn, sen. Capt. Samuel Underwood and Captain John Jenkins, for the parish of St. John, in Colleton county, and for the parish of Prince George Winyaw, Maj. George Pawley, Mr. Daniel La Roche and Mr. Elias Horry, senior, are hereby nominated and appointed to be the commissioners mentioned in this Act; and they, or the major part of them, are hereby authorized and impowered to accept and take any grant or conveyances of any lands within the said parishes respectively, to them and their heirs, in trust, for the inhabitants of the said parishes of St. John, in Colleton county, and Prince George Winyaw, for building and erecting parish churches and parsonage houses in the said parishes respectively, and for a glebe for the use of the same; and they are hereby authorized, required and impowered to exercise all the authorities and powers given them as commissioners by this Act; and in case of the death, absence or resignation of any of the said commissioners, the remaining commissioners, or the major part of them, shall summon the freeholders of the respective parishes to choose person or persons to be commissioner or commissioners in the room or place of such person or persons so dead, gone off, or resigning, as to them shall seem meet, which persons so chosen by the majority of the freeholders then present, shall, and are hereby declared to be commissioners of this Act, and are and shall be invested with the same powers and authorities as the other commissioners appointed and named in this Act.

Names of commissioners

Impowered to receive any grant of land, &c.

VII. And forasmuch as several bridges are unfinished and out of repair in the said parish of St. Pauls, at the time of the making of this Act, to which all the inhabitants of the said parish before the division of the same ought

How vacancies shall be filled.

A. D. 1734.

Bridges built,
&c. to be at the
joint expense of
both parishes.

collectively and respectively to contribute, *Be it therefore further enacted* by the authority aforesaid, That all the bridges which within the term of two years shall be finished, rebuilt or repaired, within the limits of the said parish of St. Pauls, as the said parish was limited and bounded before the making of this Act, shall be finished, rebuilt and repaired at the united expence of all the inhabitants of the said parish, as if this Act had never been made, and as if the said parish had still remained undivided, any thing in this Act or any other Act to the contrary notwithstanding; provided, that after the said term of two years, to commence after the ratification of this Act, the said divided parishes shall sustain the expence of all the said bridges, distinctly, severally and respectively, according to the usage and laws now subsisting in other parishes.

PAUL JENYS, *Speaker.**In the Council Chamber, the 9th April, 1734.**Assented to :* ROBT. JOHNSON.

No. 568. **AN ACT FOR REPAIRING, ENLARGING AND PEWING THE PAROCHIAL CHURCH OF ST. GEORGE'S PARISH, IN DORCHESTER.**

Preamble.

WHEREAS, the parish church of St. George in Dorchester, is in a very decayed and ruinous condition, and the same being also too small for the present number of the inhabitants of the said parish, and others resorting thereto, we therefore humbly pray your most sacred Majesty, that it may be enacted,

The church-wardens and vestry to repair and enlarge the present church of St. George.

I. *And be it enacted*, by his Excellency Robert Johnson, Esq. Governour, Captain General and Commander-in-chief, &c. and with the advice and consent of his Majesty's honourable Council and the Assembly of this Province, and by the authority of the same, That it shall and may be lawful to and for the church-wardens and vestry of the said parish, or the major part of them, for the time being, to repair and new-pew the present church of St. George parish in Dorchester, and make an addition to the said church, after such manner as they shall think proper.

And may appoint persons to receive and collect money for the same.

II. And the better to raise a fund for the repairing and adding to the said church as aforesaid, *It is hereby further enacted*, by the authority aforesaid, That the church-wardens and vestry, for the time being, or the major part of them, shall from time to time be enabled to appoint any two or more proper persons for the said parish, to receive and collect any sum or sums of money or other donations, for the use and purpose aforesaid, by the voluntary subscription or subscriptions of the parochial inhabitants, or any other religious or well disposed persons who have, or shall at any time be pleased to present gifts, or subscribe to the same; which said sum or sums of money, donations or subscriptions, which have, or shall be given, subscribed and collected as aforesaid, shall be disposed of in such manner as the church-wardens and vestry of the said parish, or major part of them, shall think most suitable and convenient.

The said church-wardens may dispose of the pews in said church.

III. *And be it further enacted* by the authority aforesaid, That after the said church is repaired and the addition made, the church-wardens and vestry, or the major part of them for the time being, shall have full power, right and authority to grant, give and dispose of the said pews and seats, or the ground room for pews and seats of and in the said church, to such

persons and in such order and situation, as the said church-wardens and vestry, or the major part of them, for the time being, shall think proper; which said titles shall be good and effectual, any law, usage, right or custom, in any wise to the contrary notwithstanding. A. D. 1731.

IV. *And it is hereby further enacted* by the authority aforesaid, That it shall and may be lawful to and for any person or persons to give, grant and convey in fee or otherwise, without any license of *mortmain*, any plat or tract of ground to the church-wardens of the said parish, and their successors forever, for the better support of the reparation of the said church, and as a glebe or mensal land for the use and behoof of the resident rector or minister of the said parish, and his successors forever. Any person may give land for the use of the said church.

PAUL JENYS, *Speaker*.

In the Council Chamber, the 9th April, 1734.

Assented to: ROBT. JOHNSON.

AN ACT FOR SETTLING THE SALARYS OF THE MASTERS OF THE FREE SCHOOL IN CHARLESTOWN, FOR THE USE OF THE INHABITANTS OF THE PROVINCE OF SOUTH CAROLINA. No. 569.

WHEREAS, in and by an Act entituled an Act for founding and erecting a free school in Charlestown, for the use of the inhabitants of this Province of South Carolina, among other things it is enacted, that the master of the said school thereby erected, for a further encouragement to him, should have and receive out of the publick treasury of this Province the full sum of one hundred pounds per annum, to be paid him half yearly, and the Publick Receiver for the time being is thereby authorized, required and commanded, punctually to pay the same out of the said publick treasury: And whereas, also in and by the said Act, the commissioners therein named and their successors, are authorized and impowered to appoint an usher and a writing master, who shall also teach arithmetic and merchants accounts, and also the art of navigation and surveying, and other practical parts of the mathematicks, who for their encouragement should be allowed, by order of the said commissioners, not exceeding fifty pounds per annum each, to be paid in the same manner by the Publick Treasurer, as the master's salary is appointed to be paid: And whereas, since the passing of the said Act, being now upwards of twenty-one years, the alteration that hath happened in the currency of this Province, hath reduced the said salaries to one-fifth part of their original values, for remedy whereof we humbly pray your most sacred Majesty, that it may be enacted, Preamble.

I. *And be it enacted*, by his Excellency Robert Johnson, Esq. Governor, Captain General and Commander-in-chief, in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council and the Commons House of Assembly of this Province, and by the authority of the same, That from and after the ratification of this Act, and the settlement of the said masters and ushers in the said school, or any of them, the said salaries of such masters and ushers so settled, or so much thereof as from time to time shall grow due, shall be paid by the Publick Treasurer of this Province, to the said masters and ushers respectively, as shall be so settled, in manner as is Salaries of masters and ushers, how to be paid.

A. D. 1734. directed by the said herein before in part recited Act, in the current money of this Province, at four hundred per centum advance; any thing to the contrary notwithstanding.

PAUL JENYS, *Speaker.*

In the Council Chamber, the 9th of April, 1734.

Assented to: ROBT. JOHNSON.

No. 570. **AN ACT** FOR FOUNDING AND ERECTING, GOVERNING, ORDERING AND VISITING A FREE SCHOOL AT THE TOWN OF DORCHESTER, IN THE PARISH OF ST. GEORGE, IN BERKLEY COUNTY, FOR THE USE OF THE INHABITANTS OF THE PROVINCE OF SOUTH CAROLINA.

Preamble.

WHEREAS, by the blessing of almighty God, the youth of this Province are become very numerous, and their parents so well inclined to have them instructed in grammar, and other liberal arts and sciences, and other useful learning, and also in the principles of the christian religion, that the free school erected, authorized and established in Charlestown for this purpose, is not sufficient fully to answer the good intent of such an undertaking: And whereas, several of the inhabitants of this Province who have a numerous issue, and live at such a distance from the said free school now established in Charlestown, that their circumstances may not be sufficient to permit them to send their children thither to be educated, whereby they may be deprived of so great a benefit; and it therefore appearing necessary that one or more schools be founded and erected in other part or parts of this Province as shall be most convenient for the carrying on so laudable a design, we therefore most humbly pray your most sacred majesty Majesty that it may be enacted,

The persons within named and their successors, to be one body politick and corporate, by the name within mentioned.

I. *And be it enacted*, by his Excellency Robert Johnson, Esq. Governour of this his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council and the Assembly of this Province, and by the authority of the same, That the honourable Alexander Skene, Thomas Waring, Joseph Blake, Arthur Middleton, Ralph Izard, Robert Wright, Paul Jeays, Walter Izard, Benjamin Waring, Esqrs. the Reverend Francis Vernod, and William Cattell and John Williams, Esqrs. and their successors to be elected as hereinafter directed, be and shall forever hereafter be one body politick and corporate in deed and in name, by the name of the commissioners for founding, erecting, governing, ordering and visiting a free school at the town of Dorchester, in the parish of St. George, in Berkley county, for the use of the inhabitants of South Carolina; and that they and their successors by the same name, by the authority aforesaid, be fully made, ordained, constituted and declared one body politick and corporate in deed and in name; and that by the same name, they and their successors shall and may have perpetual succession; and that they and their successors by that name, shall and may forever hereafter be persons able and capable in law to purchase, have, take, receive and enjoy to them and their successors, lands, messuages, tenements, rents, libertys, privileges, jurisdictions, franchises and other hereditaments, of whatsoever nature, kind, quality or value they be, in fee, and in perpetuity, and also estates for lives, and for years; and all other manner of goods, chattels and things whatsoever, of what name,

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nature, value or quality soever they be, for the better maintenance and support of masters or teachers for the said school; and also for the erecting of school-houses and convenient dwelling houses for the accommodation of the said school masters and teachers; and that by the name aforesaid, they shall and may be able to plead and be impleaded, answer and be answered unto, and to defend and be defended in all courts and places whatsoever, and before whatsoever judge or judges, justice or justices, or other officer or officers belonging to this Province, in all and singular actions, complaints, pleas, matters and demands, of what nature, kind, or quality soever may be, and to act and do all other matters and things in as ample manner and form as any other the inhabitants of this Province being persons able and capable in law, or any other body politick or corporate, by the laws of England can or may have, purchase, receive, possess, take, enjoy, grant, set, let, demise, plead and be impleaded, answer and be answered unto, defend and be defended, do, permit and execute; and that the said commissioners and their successors for ever hereafter, shall and may have a common seal to serve for the causes and business of them and their successors, and to change, break, alter and make new the said seal from time to time, and at their pleasure, as they shall think best; and the said commissioners shall take the State oaths, and an oath for the faithful execution of their offices.

II. And for the better execution of the purposes aforesaid, *Be it further enacted* by the authority aforesaid, That the said commissioners and their successors forever, shall and may yearly on St. George's day, being the three-and-twentieth day of April (unless it shall be on Sunday, and then on the Monday following) meet at some convenient place to be appointed by the President of the said commissioners, for the time being, between the hours of nine and twelve in the morning of the same day, and that they, or any three of them that shall be then present, shall choose a President for the year ensuing, and that such President shall (before he acts in his said office) take the State oaths, to be administered to him by any one justice of the peace, who is hereby authorized and empowered to administer the same, as also an oath for the faithful and due execution of his office and place during the said year, and until discharged of the same.

III. *And be it further enacted* by the authority aforesaid, That the president of the said commissioners shall be the honourable Alexander Skene, Esq. and that the said president shall, within forty days after the ratification of this Act, cause summons to be issued to the several commissioners hereinbefore particularly mentioned, to meet on such a day, and at such a place as he shall appoint; and the said president is hereby empowered, then and there to administer to the said commissioners the State oaths, as also an oath for the due execution of their offices; and that they, or the major part of them, as shall be then present, shall proceed to the election of such officers, ministers and servants as shall be thought convenient, to serve for the year ensuing; and that each of such officers, ministers and servants as shall be then elected, shall take the State oaths, and an oath to be to them administered by the president of the said commissioners, for the faithful and due execution of their respective offices and places, until duly discharged of the same.

IV. *And be it further enacted* by the authority aforesaid, That if any of the persons at any time chosen into any of the said offices shall dye, resign, or on any account be removed from such office, at any time between such yearly days of election, that in such case it shall and may be lawful for the president for the time being, to issue summons to the other commissioners to meet at the usual place of annual meeting, at such time as

The said commissioners to meet yearly on the 23d of April, to choose a President for the year ensuing.

Alexander Skene, Esq. President, shall summon the commissioners to meet to appoint officers, &c.

On the death or resignation of any officer, the commissioners to appoint others.

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Commissioners
dying or resign-
ing those re-
maining to
chuse new ones

shall be specified in the said summons; and such commissioners as shall meet upon such summons, (provided not less than five in the whole,) or the major part of them, shall and may choose an officer or officers, in the room or place of such person or persons so dead or removed, as to them shall seem meet.

V. *And be it further enacted* by the authority aforesaid, That in case of the death, resignation or removal from this Province of any of the said commissioners, that then it shall be lawful for the president, for the time being, to issue out his summons to the several surviving and remaining commissioners, to meet at the usual place of the annual meeting of the said commissioners, at such time as shall be specified in the said summons; and that such members as shall meet upon any summons, (provided not less than five in the whole,) or the major part of them, shall or may choose a new commissioner or commissioners, in the room or place of such person or persons so dead or removed, as to them shall seem meet.

On the death
or resignation
of the Presi-
dent, any 5 of
the commis-
sioners may
chuse another.

VI. *And be it further enacted* by the authority aforesaid, That in case of the death, resignation or removal from this Province, of the president, any five or more of the commissioners shall meet and choose another president for the remaining part of the year, who shall have and enjoy all the powers and authorities given and granted to the president by this Act appointed.

The commis-
sioners to meet
once a year or
oftener, to
transact their
business.

VII. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for the said commissioners and their successors, to meet at some convenient place in the said parish, to be appointed for that purpose, on the twenty-third day of April, being St. George's day, or oftener if occasion require, upon publick summons given ten days before, then and there to transact the business of the said commissioners, and to put in force and execute the several powers given them by this Act; and no act done in any assembly of the said commissioners, shall be effectual and valid, unless the president and four members of the said commissioners at least be present, and the major part consenting thereunto.

Penalty on any
commissioner
being summon-
ed, neglecting
to attend.

VIII. *And be it further enacted* by the authority aforesaid, That if any of the said commissioners shall neglect to attend, being duly summoned, as in this Act is directed, such commissioners or commissioner, shall forfeit ten shillings for every day that the commissioners shall meet to transact the business of this Act, unless he or they so neglecting to attend, shall give the commissioners, or the major part of them, such reasons as to them shall be satisfactory; and the forfeitures arising by the neglect of the said commissioners to attend, shall be disposed of as the majority of the commissioners then met shall order and appoint.

The commis-
sioners impow-
ered to sue for
all gifts, &c.
given for the
use of the free
school by this
Act to be estab-
lished.

IX. *And be it further enacted* by the authority aforesaid, That all gifts, legacys and voluntary subscriptions that shall or may hereafter be given or subscribed to or for the use of the free school by this present Act established, by any person or persons, are hereby appropriated to and for the sole use and benefit of the said school; and the several commissioners appointed by this Act, and their lawful successors, are hereby authorized and empowered to demand and sue for the same in the courts of this Province or elsewhere, by all such lawful ways and means for the recovery and obtaining of the same, as they might or could do if the said gifts, legacys and subscriptions had been given to them expressly by name, and a receipt signed by such person or persons as shall be appointed treasurer to the said commissioners, shall be a sufficient discharge to such executor or

executors as shall pay such legacys and subscriptions; and the money so received by such treasurer, shall be disposed of by order of the said commissioners or their successors, for the use and benefit of the school by this Act intended to be established, in such manner as the majority of them shall think most proper and convenient. A. D. 1734.

X. *And be it further enacted* by the authority aforesaid, That the said commissioners and their successors, shall have power, and they are hereby authorized and impowered, to take up by grant from his Majesty, or purchase, have, take and receive from any other person or persons whatsoever, so much land as they shall think necessary and convenient for the masters and teachers of the school hereby intended to be established, and shall direct the building of such houses as may be necessary to be erected thereon for their accommodation; the said buildings to be in such places on the said lands so taken up or purchased as aforesaid, and of such dimensions and materials as the said commissioners shall order and appoint. The commissioners impowered to take up land for the use of the said school.

XI. *And be it further enacted* by the authority aforesaid, That the master of the said school shall be capable to teach the learned languages, Latine and Greek tongues, and to catechise and instruct the youth in the principles of the christian religion. Qualification and duty of the school master.

XII. *And be it further enacted* by the authority aforesaid, That the said commissioners and their successors, shall have power and authority under their common seal, so set down and prescribe such orders, rules, statutes and ordinances for the order, rule, good government and management of the said school, and for the master or teacher and scholars thereof, as to them and their successors, from time to time shall seem meet and convenient; and that the same orders, rules, statutes and ordinances so by them made and set down, shall be and stand in full force and virtue in law: Provided always, that the same be reasonable and fit, and not repugnant or contrary to the established laws of this Province; and the said commissioners for the time being, shall have full power and authority to visit the said school, and to order, reform and redress all disorders and abuses in and touching the government of the same; and further to censure, suspend and deprive any of the masters, ushers or teachers of the said school, as to them shall seem just, fitting and convenient. The commissioners to set down rules and statutes for the better government of the school.

XIII. *And be it further enacted* by the authority aforesaid, That if any action, claim, suit or information, shall be commenced or prosecuted against any person or persons, for what he or they shall do in pursuance or execution of this Act, such person or persons so sued, may plead the general issue, not guilty, and upon issue joined, give this Act and the special matter in evidence; and if the plaintiff or prosecutor shall become nonsuit or suffer discontinuance, or if a verdict pass against him, the defendant or defendants shall recover his or their treble costs, for which he or they shall have the like remedy as in any case where costs by law are given to the defendant. Persons sued may plead the general issue.

PAUL JENYS, *Speaker.*

In the Council Chamber, 9th April, 1734.

Assented to: ROBT. JOHNSON.

A. D. 1734.

No. 571. *AN ACT* FOR MAKING MORE EFFECTUAL WILLS AND TESTAMENTS, AND FOR MAKING VALID ALL FORMER WILLS, IN THIS PROVINCE, ACCORDING TO THE TENOR OF THE SAME, AND FOR PUTTING IN FORCE SEVERAL USEFUL MATTERS HEREIN COMPRISED. -

Preamble.

WHEREAS, there are many estates in this Province held under wills and testaments; and to the intent that the titles may not be questioned where such wills and testaments have been duly executed, and for the prevention of any vexation or contentious suits which may be brought or commenced hereafter, we humbly pray your most sacred majesty that it may be enacted,

Wills, &c. heretofore made to be good.

I. *And be it enacted*, by his Excellency Robert Johnson, Esq. his Majesty's Captain-General, Governour, and Commander-in-chief, in and over this Province, by and with the consent of his Majesty's honourable Council, and the Commons House of Assembly, and by the authority of the same, That all former wills and testaments heretofore made, for, of, or concerning any lands, tenements or hereditaments, shall and are hereby declared to all intents and purposes whatsoever, to be good, valid and effectual in law, according to the true tenor and purport of the same, as fully and effectually as if the statute of the 32d of Henry the VIII, chap. 1st, and the statute of the 34th of Henry the VIII, chap. 5th, of Great Britain, was or were of force in this Province at the time of the making of the said wills and testaments, any law, custom or usage to the contrary notwithstanding; provided, that nothing herein before contained shall extend or be construed to make the statute of Westminster the second, chap. the 1st, thirteenth of Edward the I, entituled in gifts in tail the donor's will shall be observed the form of a formedon commonly called *the statutes of intails*, or any part thereof, of force in this Province, or to make estates which were or are fee-simple, conditional at the common law, estates in tail in this Province: provided also, that nothing in this Act shall be construed to confirm or make good any wills heretofore made in this Province since a statute made in Great Britain the 29th of Car. II, entituled an Act for preventing of frauds and perjuries, has been made of force here, if such wills are not agreeable to the said statute.

Wills hereafter to be made according to statute 29 Car. 2.

II. *And be it further enacted* by the authority aforesaid, That from and after the ratification of this Act, all and singular, every person and persons having any estate or interest in fee simple or any such estate, in coparcenary, joyntenancy or tenancy in common, of and in any lands, tenements, rents, services or other hereditaments, in possession, reversion or remainder, shall and may have full power, free liberty and authority to give, dispose, will or devise to any person or persons (except bodys politick or corporate) by his last will and testament, in writing and duly executed according to an Act made in the 29th year of Car. 2, for preventing of frauds and perjuries, as much as in him of right belongs, is or shall be, all his said lands, tenements, rents, services or other hereditaments, remainders or reversions or any of them, at his and their own free will and pleasure; any law, statute or usage to the contrary notwithstanding.

What witnesses good to prove a verbal will.

III. And for the effectual proving nuncupative or verbal wills, *It is hereby enacted* by the authority aforesaid, That all witnesses which are good witnesses at trials at common law, shall be good witnesses to prove a nuncupative or verbal will made of goods and chattels agreeable to the aforementioned statute for preventing of frauds and perjuries.

IV. *And be it further enacted* by the authority aforesaid, That from and after the ratification of this Act, any widow may bequeath by will the crop or crops, standing or growing on the grounds of her dower or on other lands planted for her use; and that a parson may by will bequeath the crop or crops growing or standing on his glebe land, any thing to the contrary notwithstanding.

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Widows and Parsons may bequeath crops standing on dower or glebe lands.

V. Provided now and at all times, *And it is hereby enacted* by the authority aforesaid, That any will or testament made or to be made by any feme covert, idiot or any person of non sane memory, shall not be good or valid in law, any thing herein before to the contrary notwithstanding.

Wills made by a feme covert or idiot not good.

VI. And forasmuch, as no matter of account or charge is or can be filed by way of discount on the behalf of an executor or administrator on the account of his testator or intestate against the suit of any creditor or his executors, administrators or assigns in this Province, *It is therefore enacted* by the authority aforesaid, That from and after the ratification of this Act, all matters of account, demand or reckoning due to any person or persons in his or their own right, or to the estate of any deceased person, may be filed in discount of any action or suit brought against the executor or administrator of such deceased person; and all counter charges, demands or reckonings may hereafter be filed or pleaded in discharge or discount of any action or suit brought by any person as executor or administrator, as effectually as if the same were filed for that purpose against the original plaintiff or plaintiffs by any former law or usage of this Province, any thing to the contrary notwithstanding.

Account against deceased persons may be filed in discount.

VII. *And be it further enacted* by the authority aforesaid, That all writs of error and writs of appeal, wherein there shall be any variance from the original record, or other defect, shall be amended and made agreeable to such record, by the court where such writs of error and writs of appeal shall be made returnable; and where any verdict hath been or shall hereafter be given, in any action or suit in any court of record in this Province, the judgment thereon shall not be stayed or reversed for any defect or fault either in form or substance, in any bill, writ, original or judicial, or for any variance in such writs from the declaration or other proceedings whatsoever; provided always, that nothing herein contained shall extend to any appeal of felony or murder, or to any process, or any indictment, presentment or information of or for any offence or misdemeanor whatsoever.

Writs of error, &c. that vary from the original may be amended.

PAUL JENYS, *Speaker.*

In the Council Chamber, 9th April, 1734.

Assented to: ROBT. JOHNSON.

AN ACT FOR RAISING THE SUM OF FORTY-ONE THOUSAND FIVE HUNDRED AND ELEVEN POUNDS NINE SHILLINGS AND TEN PENCE HALF-PENNY, FOR DEFRAYING THE CHARGES OF THE GOVERNMENT FOR ONE YEAR, COMMENCING THE TWENTY-FIFTH DAY OF MARCH, ONE THOUSAND SEVEN HUNDRED AND THIRTY-THREE, AND ENDING THE TWENTY-FIFTH DAY OF MARCH, ONE THOUSAND SEVEN HUNDRED AND THIRTY-FOUR.

No. 572.

WHEREAS, it appears, upon an estimate made of the charges of this Government, that the sum of forty-one thousand five hundred and eleven

A. D. 1734. pounds nine shillings and ten pence half-penny, in the present currency, will be wanting for defraying of the same; we therefore pray your most sacred Majesty that it may be enacted,

Distribution of
the principal
sums among the
taxables.

I. *And be it enacted*, by his Excellency Robert Johnson, Esq. Governour, by and with the advice and consent of his Majesty's honourable Council and the Commons House of Assembly of this Province, and by the authority of the same, That a tax or sum of forty-one thousand five hundred and eleven pounds nine shillings and ten pence half-penny, current money of this Province, be imposed and levied on the several inhabitants of this Province, that is to say, the sum of six thousand four hundred seventy-nine pounds one shilling and eleven pence one farthing, on the merchants and inhabitants of Charlestown, and the sum of thirty-five thousand and thirty-two pounds seven shillings and eleven pence one farthing, residue thereof, on the several inhabitants of this Province living without the limits of the said town plat; which said sum of forty-one thousand five hundred and eleven pounds nine shillings and ten pence half-penny, shall be applied to the use of his Majesty, for the support of this Government. And for the more certain and effectual levying thereof, it is hereby enacted and declared, that the sum of twenty shillings current money per head be imposed and levied on all male white persons, from the age of twenty-one to sixty years; and the sum of twenty shillings per head, current money, on all negroes and other slaves; and the sum of ten shillings per hundred acres on all lands throughout the said Province, town lots without the limits of Charlestown plat excepted.

Taxables to
render a writ-
ten account to
the inquirers.

II. *And be it further enacted* by the authority aforesaid, That all persons whatsoever who are possessed of any lands or slaves in this Province, either in their own right or in the right of any other person, or are liable to pay any tax by virtue of this Act, shall, on or before the third Tuesday in May next ensuing, render a particular account thereof in writing to the inquirers and collectors of the several parishes and places respectively where the person who is to render such account does live and reside, and at such times and places as the said inquirers and collectors, or any two of them, shall direct or appoint for the doing thereof, so that the same be done on or before the said third Tuesday in May next; and the person so rendering his account, shall give in to the said inquirers and collectors the number of his slaves, and the quantity of land he is possessed of in this Province.

Inquirers may
proceed against
taxable land not
returned.

III. And whereas, there are divers tracts of land in this Province held or owned by persons not resident here, and of which no return hath been made, by reason whereof no tax hath hitherto been paid for such lands, *Be it therefore enacted* by the authority aforesaid, that the collectors and inquirers for the several parishes respectively where any such lands lye, that are held or owned as aforesaid, shall, and they are hereby authorized, impowered, directed and required either to sell and dispose of any wood, timber or lightwood, thereon standing, growing or being, to the amount or value of the tax such land is liable to pay by virtue of this Act, or to let to farm all or any part or parcel of such lands, without impeachment of waste, to any person or persons whomsoever, for any term or time not exceeding four years, till the rents arising thereby shall be sufficient to pay the said tax; and all and every sale of such wood, timber or lightwood aforesaid, and leases of such lands, shall and they are hereby declared good and valid to all intents and purposes whatsoever, any law, statute, usage or custom to the contrary thereof in any wise notwithstanding.

IV. *And be it further enacted* by the authority aforesaid, That the several persons hereafter named shall be inquirers and collectors for the

several parishes hereafter mentioned respectively, viz: for the parish of St. Philip's Charlestown, without the limits of the town plat, David Hext and Robert Finley; for the parish of Christ Church, George Hadderel and George Logan; for the parish of St. James Goose Creek, James Goodby and Abraham Dupont; for the parish of St. John's, Rene Ravenel and Nicholas Harleston; for the parish of St. George's, Mr. Benjamin Child and Josiah Waring; for the parish of St. Thomas and St. Dennis, James Akin and Anthony Bonneau, jr.; for the parish of St. Andrew's, (James Island excepted) William Fuller and William Branford; and for that part of the parish called James Island, John Sandiford and George Rivers; for the parish of St. Paul's, that is to say, for John's Island, Culcheth Golightly and Thomas Hext; for Wadmelaw Island, Rivers Stanyarn and Charles Peronneau; for Edisto Island, Charles Odingsells and William Bowers; for Stono and the east side of Pon Pon, Captain John Bull, Mr. Royal Spry and Mr. Jeremiah Miles; and for the parish of St. Paul, Beach Hill, William Holmes and Stephen Bull; for the parish of St. Bartholomew's, Mr. Anthony Matthews, jr., Joshua Sanders, Benjamin Clifford and Mr. John Cooke; for the parish of St. James Santee, Adam Stewart and Peter Robert; for the parish of Prince George Winyaw, William Poole, Hugh Swinton and John White; and for the parish of St. Helena, Richard Reynolds, Colonel Hazard and Colonel Beamor.

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Inquirers and
collectors
named.

V. *And be it further enacted* by the authority aforesaid, That John Atkin, Samuel Eveleigh, jr. and Jordan Roche, be and are hereby appointed inquirers within the limits of Charlestown plat; and that John Dart, Alexander Nisbett, William Cattell, jr., Alexander Peronneau and Benjamin Savage, be and are hereby appointed assessors for the parish of St. Philip's Charlestown, within the limits of the town plat; and that the publick treasurer for the time being be collector and receiver for the parish of St. Philip's Charlestown, within the limits of the said town plat.

Inquirers and
assessors
named and
appointed.

VI. *And be it further enacted* by the authority aforesaid, That all persons whatsoever that are possessed of any lands or slaves in this Province, in their own right or in the right of others, or are otherwise liable to pay any tax by virtue of this Act, shall pay in their taxes to the several persons hereby appointed to receive the same, on or before the second Tuesday in June next ensuing, or within ten days then next after at farthest, at which time the said collectors of the several parishes without the limits of Charlestown plat, shall close their accounts, and transmit the same on or before the first Tuesday in July next after, to the publick treasurer for the time being. And all and every person whatsoever, liable to pay any tax by virtue of this Act, shall at the time of giving in their accounts to the several inquirers and collectors, respectively, take the following oath:—

“I, A. B., do swear that the account I now give in is a just and true account of all the lands and slaves which I, or my wife, or my wife as guardian or trustee, am or is any ways possessed of, interested in, or entitled unto, by virtue of or under any patent, grant or warrant, and survey thereon, within this Province, either in my own right, or as executor, administrator, guardian or attorney to or in trust for any other person or persons whatsoever; and this I declare, without any equivocation or mental reservation whatsoever—So help me God.” Which oath any of the said inquirers and collectors respectively are hereby required and impowered to administer. And the said inquirers and collectors for each parish or district respectively shall give in an account in writing of their own slaves and land, on oath, after the manner before directed, and pay in their tax to the said receiver or treasurer respectively, at the time appointed.

At what time
the tax is to be
paid.Oath to be
taken.

A. D. 1734.

Penalty on
concealment.

VII. *And be it further enacted* by the authority aforesaid, That if any person or persons, in giving in or rendering his account of lands or slaves as aforesaid, shall wilfully or voluntarily conceal any part, all such persons shall forfeit treble tax for what they so concealed.

Defaulters.

VIII. *And be it further enacted* by the authority aforesaid, That any person neglecting or refusing to give in such his, her or their account of lands and slaves to the inquirers and collectors aforesaid respectively, at such time and place as they shall appoint, by the second Tuesday in June next after the passing this Act, at the farthest, he, she or they shall be deemed a defaulter or defaulters, and shall be by the inquirers and collectors doubly taxed for all his, her or their lands and slaves.

Lots in
Charlestown.

IX. And whereas, divers inhabitants living without the limits of Charlestown plat, are possessed of divers houses and town lots or parts of lots within the same, *Be it therefore enacted* by the authority aforesaid, That all such persons shall be rated for such lots as if they were actually resident in Charlestown; and all town lots and the improvements thereon within the limits of Charlestown plat shall be rated at the discretion of the assessors in Charlestown.

Duty of the
inquirers as to
Charlestown.

X. *And be it further enacted* by the authority aforesaid, That the inquirers for Charlestown are hereby directed and ordered to enquire into and take an account of all such real estates and slaves of the inhabitants living and residing within the limits of Charlestown plat, which they shall be possessed of, interested in or entitled unto, either in their own right or in the right of any other person whatsoever, which are lying or being within the limits of the said town plat, and of all the lands and slaves which the inhabitants of Charlestown are possessed of without the limits of the same or in any other part of the Province; and the said inquirers shall make and finish their inquiry, and return the same to the assessors hereby appointed for Charlestown, on or before the second Tuesday in May next; and the said inquirers for Charlestown shall likewise extract and certify to the said assessors in Charlestown, all the lands to them given in by the owners and inhabitants of Charlestown, which lye without the limits of Charlestown plat; and the said lands and slaves without the limits of Charlestown plat, though owned by persons living in Charlestown, shall be reckoned as part of the country tax. Provided always, nevertheless, that nothing herein before contained shall extend or be construed to extend to give the said assessors for Charlestown any power or authority to tax any such goods, wares, merchandize or effects, as shall be consigned immediately to any merchants or factors in this Province, to dispose of as factors only.

Proviso.

Six month
slaves are
taxable.

XI. *And it is hereby declared*, That the several slaves belonging to the inhabitants of Charlestown, which have been for six months last past employed by their respective masters in Charlestown, shall be reckoned and accounted as that part of the said tax hereby allotted and to be raised and levied on the inhabitants of Charlestown; and that all and every their lands without the limits of Charlestown plat, as well as their slaves employed in the country, shall be reckoned and accounted for as part of the country tax.

Country store-
keepers.

XII. *And be it further enacted* by the authority aforesaid, That the store-keepers living and residing in the country, shall be rated by the inquirers in the several parishes where they live, for their stores, after the rate of two pounds per centum for stock and cash; and the moneys arising by the assessment of such stores shall be paid to the collectors respectively, and deemed as part of the country tax. And in such parishes where one of the inquirers and collectors shall happen to be a store-keeper, the other

inquirer and collector shall and is hereby empowered to assess such store-keeper, in the same proportion as the other store-keepers are rated and assessed at. A. D. 1734.

XIII. *And be it further enacted* by the authority aforesaid, That every person, as well inhabitants of Charlestown as store-keepers in the country, who shall have reason to believe he is over-rated, shall have ten days public notice given by the assessors or inquirers, at the watch-house in Charlestown, or in any other publick place in the country for that purpose, to swear off so much as he or they are over-rated, before the said assessors or inquirers as aforesaid; and the said assessors or inquirers are hereby empowered to administer such oath, and allow of an abatement accordingly. Appeal in case of being over-rated.

XIV. *And be it further enacted* by the authority aforesaid, That the said assessors for Charlestown, upon receiving the returns of the inquirers for Charlestown, shall administer to them the following oath: "You, A B, C D, and E F, do swear that the account you now give in is a just and true account of all the real estates and slaves of the several inhabitants of Charlestown, lying within the limits of the said town plat, according to the best of your knowledge—So help you God." Inquirer's oath.

XV. *And be it further enacted* by the authority aforesaid, That the said inquirers for Charlestown, at the same time, shall render an account to the said assessors of their own real estates and slaves in this Province, and take the same oath before the assessors, *mutatis mutandis*, as they are directed to administer to the other inhabitants of Charlestown. To render an account of their own estates.

XVI. *And be it further enacted* by the authority aforesaid, That the said assessors for Charlestown shall and they are hereby authorized to rate and assess the sum of six thousand four hundred seventy-nine pounds one shilling and eleven pence farthing on the real and personal estates, stocks and abilities of the inhabitants of Charlestown and others interested in the said town as aforesaid, rateably and proportionably, according to the best of their skill and judgment; and any two of the said assessors shall be a quorum, and shall meet at the house of Colonel Miles Brewton, on the second Tuesday in May next, and there to continue to finish the assessment for Charlestown, or to adjourn to any more convenient place, as they shall see fit; and the said assessors shall finish and complete the said assessment for Charlestown on or before the second Tuesday in June next, and return a duplicate thereof under their hands unto the publick treasurer in Charlestown, who shall cause another duplicate thereof to be posted at the publick watch-house in Charlestown, in seven days after his receiving the same from the hands of the said assessors. Amount of taxation for Charlestown.

XVII. *And be it further enacted* by the authority aforesaid, That the assessors for Charlestown shall, before they enter on the execution of their office, take the following oath before one of his Majesty's justices of the peace, who shall give him a certificate for so doing, gratis: "I, A B, do sincerely swear that I will indifferently, equally and impartially rate and assess all and every person to me returned to be assessed by the inquirers of Charlestown, for that purpose appointed, according to the directions to me given by this Act, and according to the best of my skill and knowledge: So help me God." Oath of the assessors.

XVIII. *And be it further enacted* by the authority aforesaid, That in case the assessors for Charlestown shall find any mistakes in the returns of the inquirers, the said assessors shall not be so strictly bound to the said returns but that they may have liberty to proceed according to better information and knowledge. Mistakes may be rectified.

A. D. 1754.

Defaulters may
be levied on.

XIX. *And be it further enacted* by the authority aforesaid, That every person so assessed by the said assessors for Charlestown shall likewise pay into the hands of the publick treasurer the several sums of money on them respectively assessed, on or before the first Tuesday in July next; and in case any person whatsoever, living without the limits of Charlestown plat, shall neglect or refuse to pay in his or their tax, at the days and times herein before mentioned and appointed for payment thereof, the inquirers and collectors respectively shall, within ten days after the time fully elapsed, without favour or affection or further delay, levy the same, by virtue of a warrant, by them or any of them to be signed and sealed for that purpose, which said warrant shall be directed to the constable or constables of the respective parishes where such defaulter lives or resides, requiring him to levy the same, by distress and sale of the defaulter's goods, returning the overplus (if any shall happen to be) to the defaulter, after deducting the reasonable charges; and if no such distress can be found, and the defaulter shall neglect or refuse to produce goods whereon the moneys so assessed may be forthwith levied, then the said constable or constables, by virtue of the said warrant, shall take the body of such defaulter or defaulters and bring him or them to the common goal in Charlestown, and the provost marshal shall detain such person in the goal aforesaid, without bail or mainprize, until they have satisfied the debt and charges aforesaid; and the publick treasurer shall have the same powers and authorities, and proceed in the same manner, for levying and recovering the tax of the defaulters living within the limits of Charlestown plat, as is above directed.

Inquirers, col-
lectors and con-
stables fees.

XX. *And be it further enacted* by the authority aforesaid, That the constable or constables to whom such warrant shall be directed, shall take the following fees in the execution of their office, viz: to the constable or constables for every execution, six shillings and three pence, and twelve pence for every pound so to be levied as aforesaid, and twelve pence for every mile, to be computed from the dwelling-house of such constable or constables to the dwelling house or place of residence of such defaulter, and no more or any other fee or fees whatsoever; and the inquirers and collectors respectively, and the publick treasurer, for every such warrant he or they shall so issue, shall have from such defaulter ten shillings current money.

Warrant for
double tax.

XXI. *And be it further enacted* by the authority aforesaid, That if any taxable person shall neglect to give in his account of his estate to the said inquirers and collectors by the time before limited in this Act, or shall omit or neglect to pay his tax by the time above limited, the said inquirers and collectors respectively, where such taxable person lives, are hereby impowered and required to issue their warrant in the same manner as above directed; and in case the said inquirers and collectors shall not have a just information what such person's tax doth amount to, the said warrant shall run for double the sum such person was rated in the last tax, and shall be dealt with in all other respects as a defaulter.

Taxes still due
under former
laws.

XXII. *And be it further enacted* by the authority aforesaid, That the publick treasurer shall have full and ample power in all respects for collecting and getting in arrears of taxes, which are or were due by any former law or Act of Assembly, notwithstanding the same be repealed or expired; and the same may be recovered by virtue of any warrant or warrants, under the hand and seal of the publick treasurer, in manner as aforesaid.

Case of persons
dying.

XXIII. *And be it further enacted* by the authority aforesaid, That in case any person shall happen to die between the time of giving in his account to the said collectors and inquirers and the paying in of his tax, and any goods or chattels of the deceased to the value of the sum he was

assessed at shall come to the hands of his executors or administrators, or any executors in their own wrong, such executors or administrators shall pay the same by the time before limited, prior to all mortgages, judgments and debts whatsoever (debts due to his Majesty excepted,) or otherwise a warrant or execution shall issue against the proper goods of such executor or administrator; and if any person, between the time limited for rendering the account of his estate to the collectors and inquirers aforesaid and the time of paying in his tax, shall be about to depart this Province, the said publick treasurer is hereby directed and required forthwith to levy the same, notwithstanding the days of payment are not then already come, unless such person will find sureties to the liking of the said publick treasurer for the payment thereof at the time appointed.

A. D. 1724.

Persons leaving the Province.

XXIV. *And be it further enacted* by the authority aforesaid, That all deeds of gift, conveyances, mortgages, sales and assignments of lands and tenements, goods and chattels, of any persons whatsoever, made with an intent to avoid his being assessed or paying his tax, are hereby declared to be fraudulent, and null and void to all intents and purposes whatsoever.

Fraudulent deeds of gift.

XXV. *And be it further enacted* by the authority aforesaid, That in case any person who hath mortgaged any part of his real or personal estate, shall refuse or neglect to pay tax for the same, the mortgagee shall be answerable and subject to pay the sums assessed on the mortgagor, provided that such estate is in the possession or occupation of the mortgagee.

Case of mortgaged property.

XXVI. *And be it further enacted* by the authority aforesaid, That the said publick treasurer, and collectors, inquirers, assessors, marshals, constables, and every other magistrate or officer that shall neglect or refuse to do and perform the several matters hereby required of them to be done respectively, within the time prescribed by this law, shall for every such neglect or refusal, forfeit the sum of one hundred pounds, to be recovered in any of his Majesty's courts of record in Charlestown, the one half to his Majesty for the support of this Government, and the other half to him or them that will sue for the same, by action of debt, bill, plaint or information, wherein no essoign, protection, privilege or wager of law shall be allowed or admitted.

Penalty on neglect of duty.

XXVII. *And be it further enacted* by the authority aforesaid, That in case any of the collectors, inquirers and assessors before mentioned shall happen to die, refuse to act, or depart this Province, before they have executed the powers and authorities hereby given them, that then his Excellency the Governour or the Commander-in-chief for the time being, is hereby impowered to nominate and appoint another fit person in the room of him so dying, refusing to act, or going off, and the person so appointed shall have the same powers and be under the same penalties as the assessors, inquirers and collectors hereby nominated.

Officers dying or quitting the Province.

XXVIII. *And be it further enacted* by the authority aforesaid, That the publick treasurer for the time being, be and is hereby impowered to grant immediate execution against the provost marshal for the time being, and all former provost marshals, and, in case of their decease, against their executors and administrators, where there are assets, for all arrears of taxes due and owing to the publick of this Province, and also against all former constables and collectors of taxes, and collectors for the time being, for all taxes now or hereafter to grow due, when the time is or shall be elapsed for paying in the same.

Public Treasurer may proceed against the Provost Marshal for all arrears of taxes.

XXIX. *And be it further enacted* by the authority aforesaid, That in case the said publick treasurer shall grant any execution or executions

A. D. 1734.
Remedy for
persons sued
where nothing
is due.

Officers sued
may give this
act in evidence.

The money
raised to be ap-
plied according
to the annexed
schedule.

against any of the persons aforesaid, where there is nothing due, or for more moneys than is come to their hands, it shall and may be lawful to and for such person against whom such execution is wrongfully granted, to maintain an action at law against such treasurer, and recover double damages and treble costs of suit.

XXX. *And be it further enacted*, That if any collector, inquirer, assessor, provost marshal, constable, publick treasurer, or other person whatsoever, shall happen to be sued for any matter or thing whatsoever by him or them done in execution of this Act, it shall and may be lawful for such person and persons aforesaid to plead the general issue and give the special matter and this Act in evidence ; and in case a verdict pass for the defendant or defendants, he or they shall recover double costs of suit.

XXXI. And whereas, the tax for the current year will amount to the sum of forty-one thousand five hundred and eleven pounds nine shillings and ten pence half-penny, *Be it therefore enacted* by the authority aforesaid, That the aforesaid sum of forty-one thousand five hundred and eleven pounds nine shillings and ten pence half-penny, shall be appropriated, applied and paid by the publick treasurer according to the schedule or estimate hereunto annexed, and not otherwise.

PAUL JENYS, *Speaker*.

In the Council Chamber, 9th April, 1734.

Assented to: ROBERT JOHNSON.

THE SCHEDULE, OR ESTIMATE, TO WHICH THE ACT
ANNEXED REFERS.

ON THE ESTABLISHMENT. FORT MOORE.

To the Captain, for a year, three hundred pounds,	£ 300 00 00	
To the Lieutenant, one hundred and sixty-eight pounds	168 00 00	
To the Sergeant, one hundred and fourteen pounds,	114 00 00	
Twenty-four men, at seven pounds per month, two thousand and sixteen pounds,	2016 00 00	
Provisions for twenty-seven men, at thirty-two pounds each, eight hundred and sixty-four pounds,	864 00 00	
To sundry orders for corn,		£ 3462 00 00

FORT PRINCE GEORGE.

To the Captain, three hundred pounds,	300 00 00	
To the Lieutenant, one hundred and sixty-eight pounds, and to the Sergeant one hundred and fourteen pounds,	282 00 00	
For fourteen men, at seven pounds per month, one thousand one hundred and seventy six pounds,	1176 00 00	
For provisions for seventeen men, at thirty-two pounds each, five hundred and forty-four pounds,	544 00 00	£2302 00 00

SCOUT BOAT.

To the Captain, one hundred and eighty pounds,	180 00 00	
For ten men, at eight pounds per month, nine hundred and sixty pounds,	960 00 00	
For provisions for eleven men, at thirty-two pounds each, three hundred and fifty-two pounds,	352 00 00	£1492 00 00

A. D. 1734.

RANGERS OR LAND SCOUT.

To the Captain, two hundred and forty pounds,	£ 240 00 00
To the Sergeant, one hundred and sixty-eight pounds,	168 00 00
For twenty men, at twelve pounds per month, two thousand eight hundred and eighty pounds,	2880 00 00
Addition for ten men in Georgia, two pounds each per month, two hundred and forty pounds,	240 00 00—£3528 00 00

FORT JOHNSON.

To the Captain, two hundred pounds,	200 00 00
For six men, at six pounds per month, four hundred and thirty-two pounds,	432 00 00
For provisions for seven men, at twenty-four pounds per month, one hundred and sixty-eight pounds,	168 00 00—£ 800 00 00

PAROCHIAL CHARGES.

For twelve Parishes, at forty pounds each, four hundred and eighty pounds,	480 00 00
For the Parish of St. Philip's, Charlestown, fifty-five pounds,	55 00 00—£ 535 00 00

CONTINGENCYS.

For Fort Moore, necessaries, one hundred pounds,	100 00 00
For Fort Prince George, fifty pounds,	50 00 00
For the Rangers, thirty pounds,	30 00 00
For the Scout Boat, fifty pounds,	50 00 00
For Fort Johnson, twenty pounds,	20 00 00—£ 250 00 00
To Noah Serre, five pounds,	5 00 00
To Peter Cowley, for a negro killed, eighty pounds,	80 00 00
To the widow of Rowland Storey, seventeen pounds and ten shillings,	17 10 00
To John Daniell, for a negro executed, eighty pounds,	80 00 00
To Peregrine Fury, Esq. Agent, on account, one thousand one hundred and nine pounds ten shillings and five pence,	1109 10 05
To Nicholas Trott, towards paying clerks, two hundred pounds,	200 00 00
To Thomas Ellery, sixteen pounds,	16 00 00
To Daniel Bourget, ten pounds two shillings and six pence,	10 02 06
To Childermas Croft, as Clerk of Precinct Courts, one hundred and fifty pounds,	150 00 00
To Thomas Lovelass, one hundred and five pounds and seven shillings,	105 07 00
To Robert Hall, Provost Marshal, five hundred and eighty-one pounds ten shillings,	581 10 00
Thomas Lloyd, in full of his salary and account as Armourer and Gunner of Charlestown, (to 25th March, 1734,) four hundred and sixty-nine pounds sixteen shillings and three pence,	469 16 03
To Malachi Glaze, twelve pounds ten shillings,	12 10 00
To Garrat Vanvelsin, ten pounds,	10 00 00—£2847 06 02
To John Bonnin, five hundred and sixty-five pounds ten shillings,	565 10 00
To Ditto, another account, seven pounds eighteen shillings and nine pence,	7 18 09
To William Sterliug, thirty-two pounds seventeen shillings and six pence,	32 17 06
To the Rangers under Captain Russell, four hundred and five pounds seventeen shillings,	405 17 00
To John Colleton, Esq. for a negro killed, eighty pounds,	80 00 00
To Elias Horry, thirty-two pounds,	32 00 00
To James Thomson, for a negro executed, eighty pounds,	80 00 00
To Catharine Cattell, one hundred and sixty pounds,	160 00 00

A. D. 1734.	To Charles Pinckney, forty-seven pounds,	47 00 00	
	To Edward Keatin, forty pounds,	40 00 00	
	To Andrew Rutledge, fifty-seven pounds,	57 00 00	
	To Richard Butler, five pounds,	5 00 00	
	To William Dry, one pound and five shillings,	1 05 00	
	To Isaac Amy, an account of writings, six hundred and eight pounds twelve shillings and six pence,	608 12 06	
	To Childermas Croft, fifty-four pounds and ten shillings,	£ 54 10 00	
	To Isaac Mazyck, for a negro executed, eighty pounds,	80 00 00	
	To Henry Gignilliat, for rent of a court room, one hundred pounds,	100 00 00	
	To John Milner, an account, one hundred and sixteen pounds two shillings and six pence,	116 02 06	
	To John Woodward, one hundred and fifty pounds,	150 00 00	
	To John Hammerton, secretary's account, four hundred and forty-three pounds ten shillings,	443 10 00	—£1616 00 00
	To Lewis Timothee, Printer, for an encouragement to begin to print the Laws of this Province, four hundred pounds,	400 00 00	
	To the Estate of John Lewis, deceased, three pounds,	3 00 00	
	To Samuel Eveleigh, an account, eight hundred and fifty-nine pounds nine shillings and six pence,	859 09 06	
	To Elisha Butler, eight pounds thirteen shillings and four pence,	8 13 04	
	To Theophilus Gregory, two hundred pounds,	200 00 00	
	To the Estate of Colonel Glover, deceased, two hundred and forty pounds	240 00 00	
	To Joseph and Philip Massey, thirty-three pounds sixteen shillings and three pence,	33 16 03	
	To the Rangers under Captain Cantey's command, five hundred and twenty-four pounds eighteen shillings and eight pence three farthings,	524 18 8½	
	To one of the Southern Look-Outs, two years and eleven months, three hundred and fifty pounds,	350 00 00	
	To Thomas Cooper, Esq. fourteen pounds,	14 00 00	—£1633 17 9½
	To Lawrence Coulliette, seventy-eight pounds fifteen shillings,	78 15 00	
	To Jesse Badenhop, Clerk of the Council, three hundred pounds,	300 00 00	
	To James Abercromby's account, three hundred and thirty-two pounds eighteen shillings,	332 18 00	
	To Jesse Badenhop, for an account of writing, four hundred and ninety-one pounds five shillings,	491 05 00	
	To Alexander Parris's account, one thousand six hundred and forty-two pounds twelve shillings and one penny,	1642 12 01	
	To Daniel Butler, an allowance for a year, two hundred pounds,	200 00 00	
	To John Brown, Comptroller, one hundred pounds,	100 00 00	
	To John Gendron, one hundred and fifty-two pounds two shillings and six pence,	152 02 06	
	To Arthur Middleton, Esq. twenty-five pounds,	25 00 00	
	To William Cox, omitted last estimate, seventy pounds,	70 00 00	
	To the commissioners on the fort and barrack building at Port Royal, to be paid when it shall be finished and approved of by the General Assembly, two thousand pounds,	2000 00 00	—£5392 12 07
	To the Commissary, Alexander Parris, two hundred pounds,	200 00 00	
	To Charles Pinckney, Esq. five pounds,	5 00 00	
	To Simon Wragg, Esq. late Agent for this Province, the balance of an account, and interest, thirty-six pounds eleven shillings and four pence sterling, at six hundred advance,	255 19 04	
	To His Excellency, three thousand and five hundred pounds	8500 00 00	
	To Ditto, house rent, eight hundred pounds,	800 00 00	
	To Nicholas Trott, for paying clerks, three hundred pounds,	300 00 00	

A. D. 1734.



To Ditto, for compiling the Laws, to be paid when he has finished the work, one thousand and fifty pounds,	1050 00 00	
To Peregrine Fury, Esq. Agent in Great Britain, fourteen hundred pounds,	1400 00 00	
To the Clerk of the Commons House of Assembly, six hundred pounds,	600 00 00	
To the Receiver of the Tax,	0000 00 00	
To repairs of Parsonage Houses,	0000 00 00	
To rent of the House of Assembly, two hundred pounds,	200 00 00	
To the Messenger of the House, two hundred and fifty pounds,	250 00 00	
To the Clerk of the Committee of Correspondence, fifty pounds,	50 00 00	—£8610 19 04
To repairing fortifications and mounting the ordnance, three thousand pounds,	3000 00 00	
For unforeseen contingencies, five hundred pounds,	500 00 00	
For destroying beasts of prey, five hundred pounds,	500 00 00	—£4000 00 00
For the deficiency of the last year's tax, arising on the country dividend, by Col. Parris, the Treasurer's certificate,		2636 18 24
To John Milner, seven pounds twelve shillings and six pence,		7 12 06
To Samuel Wragg, Esq. in full of all accounts, one hundred and forty-seven pounds,	147 00 00	
To Andrew Broughton, for a negro executed, eighty pounds,	80 00 00	
To Matthew Drake, for running a line between Berkley and Craven counties, sixty-five pounds,	65 00 00	
To William Sanders, for a Steer, six pounds,	6 00 00	
To Captain McPherson, an allowance, resolved the first of June, 1733, of four pounds per month, forty-eight pounds,	48 00 00	
To the Commissary, omitted in the estimate last year, allowed four hundred pounds, short of that sum provided above in the present year two hundred pounds,	600 00 00	—£ 946 00 00
		£41511 09 10½

AN ACT FOR GIVING FURTHER ENCOURAGEMENT TO THE SOLDIERS SERVING
IN THE SEVERAL GARRISONS AND SCOUTS IN THIS PROVINCE.

No. 573.

WHEREAS, great complaint has been made for want of raising and collecting taxes earlier for payment of the several garrisons and scouts in the service of this Province, the soldiers frequently sell or barter their orders at large discount, by which they lye under great hardships, and for the remedy of such ill conveniencys, we pray your most sacred Majesty that it may be enacted,

Preamble.

I. And be it enacted, by his Excellency Robert Johnson, Esq., Governour, by and with the advice of His Majesty's honourable Council and the Assembly of this Province, and by the authority of the same, That for the future every commander in the public service shall twice every year, viz. on the twenty-fifth day of March and the twenty-ninth day of September, and at no other time, make out a muster roll in due form, and also enter in the margin thereof, against each man's name, the number of the certificate referring to such muster roll; and duplicates of such muster roll shall be immediately transmitted, one to his Excellency the Governour or Commander-in-chief for the time being and the other to the Public Treasurer.

Two muster
rolls to be
made out.

A. D. 1734.

Treasurer to
prepare certi-
ficates.

II. *And be it further enacted* by the authority aforesaid, That the Public Treasurer for the time being, shall every year prepare printed certificates, with such device as he in his discretion shall think proper for the better prevention of counterfeits, and shall take care to deliver to each commander a sufficient number of such certificates to make out two muster rolls and no more; and the said certificates shall be indented and the counterpart shall be kept on file in the Treasurer's office.

III. *And be it further enacted* by the authority aforesaid, That the form of the certificates shall be as follows :

Form thereof.

Muster Roll to be
returned the day of anno
No.

Fort

“ FORT Muster Roll of the day of anno .

“ It is hereby certified that A. B. has served at from the day
of to the instant; for which service there is due to the said A. B.
or order pounds current money of this Province, and also a premium of
two and a half per centum thereon, payable out of the money raised
(or to be raised,) for discharging of the public debts for said time; and this cer-
tificate shall be taken in payment of tax for the full value above expressed, pur-
suant to law.

“ Fort , the day of anno . Number in the margin of the
Muster Roll.

“ T. I., Commander,
“ C. D., Lieutenant or Serjeant, } of Fort .”

And the several commanders in the public service shall constantly fill up the said certificates on the day next after the date of the muster roll, and at no other time, except as is hereafter excepted, and shall sign the same and cause also the lieutenant or serjeant to sign with him, and immediately to deliver one to each man returned on the muster roll.

Oath to be
administered.

Case of fraudu-
lent return.

III. *And be it further enacted* by the authority aforesaid, That all commanders and other officers concerned in making out muster rolls and filling up and signing certificates, shall before they make out any muster roll or sign any certificates, be sworn on the holy evangelists of almighty God or according to the form of their profession, before any one of his Majesty's justices of the peace, who is hereby impowered and required to administer such oath and grant a certificate thereof without fee or reward, to the faithful discharge of the trust in him or them hereby reposed; and in case any commander shall fraudulently make a false return on a muster roll, or sign a false certificate to the prejudice of the public of this Province, he shall forfeit his wages, be dismissed the service, and rendered incapable of holding any place of trust in this Province.

Term of enlist-
ment.

IV. *And for the better regulating public garrisons and adjusting ac- counts relating to them, Be it further enacted* by the authority aforesaid, That no person shall be inlisted in the service for a less term than six months, nor otherwise than conformable to the periods for making out muster rolls; and in case any person quits the service before the time agreed for, such person shall forfeit and loose all his wages.

In case a soldier
dies.

V. *And be it further enacted*, That in case a soldier dyes, the captain shall have liberty to fill up a special certificate, therein expressing the day in which he dyed; and such vacancy or vacancys, provided they do not amount to a sixth part of the garrison, shall be dispensed with and not fill- ed up until the next period for making out a muster roll.

Certificates to
be attested by
public treasu-
rer.

VI. *And be it further enacted* by the authority aforesaid, That all cer- tificates made out and signed as is before prescribed, shall at the request of the bearer thereof, be attested by the Publick Treasurer without fee or reward, and shall be constantly taken and received by the Public Treasu- rer, collector or collectors appointed to receive the tax, in payment of such tax.

VII. *And be it further enacted* by the authority aforesaid, That as soon as the Publick Treasurer shall have collected moneys raised by tax or otherwise for discharging and paying the garrisons, that public notice shall be given, advertising the same and ordering all certificates to be brought in, in order to be paid off, within three months at farthest; and in case any persons possessed of such certificates shall neglect to bring them into the treasury within the time limited as aforesaid, they shall loose the premium therein mentioned, unless it shall appear that the treasurer had not moneys sufficient to pay them off.

A D. 1734.

Certificates to be paid off within three months.

VIII. *And be it further enacted* by the authority aforesaid, That this Act and every matter and thing therein contained shall continue in force three years, and from thence to the end of the next sitting of the General Assembly, and no longer.

Limitation of the act.

PAUL JENYS, *Speaker.*

In the Council Chamber, the 9th April, 1734.

Assented to : ROBT. JOHNSON.

AN ACT FOR REGULATING PATROLS IN THIS PROVINCE.

No. 574.

Preamble.

WHEREAS, former Acts of Assembly, passed in this Province, for regulating patrols, have not answered the intentions thereof, and it being highly necessary to the well being of this Province that the several patrols should be rendered as useful as possible in the keeping all slaves in due order, we therefore humbly pray your most sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Excellency Robt. Johnson, Esq. Captain-General, Governour and Commander-in chief, of this his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council and the Commons House of Assembly of this Province, and by the authority of the same, That one Captain and four men be a patrol for each district, the captain to be commissioned by his Excellency the Governour, which captain is empowered to inlist the said men, who shall be approved by the commissioners hereafter named or any two of them in each district; that three commissioners shall and are hereby appointed to be in each district within this Province, where there is a company of foot militia as the said companys are now settled; and that all the said patrols, and every man belonging to the same, shall from henceforth for and during the time they shall be so inlisted and serve in the said patrols, be absolutely acquitted and discharged of and from the service and command of the captains or other officers of the company or companys of militia to which he or they did formerly belong, and shall serve under the captain or officer of the patrol for which he is enlisted by the said captains; and every person so enlisted shall provide for himself and always keep, a good horse, one pistol, and a carbine or other gun, a cutlass, a cartridge box with at least twelve cartridges in it, under the penalty of twenty shillings current money, for the want of any one of the arms and accoutrements aforesaid, in case of alarms only; and shall appear accoutred with one fire arm, twelve cartridges and a cutlass, under the like penalty, as often as the captain or captains shall command him or them so to do, at such times and places as he or they shall appoint; but in time of alarms the persons

Number of men in patrols.

Patrols not liable to militia service.

Arms.

A. D. 1794.

Penalty for
default.

and every of them in each patrol shall forfeit the sum of fifty pounds current money for every neglect of appearance at the respective place of rendezvous appointed by the said captains of the said patrols; and the said patrols shall on all occasions be obedient to and behave themselves towards their respective commanders as other persons are obliged to do by the militia law of this Province towards their respective commanders.

Governor to
issue orders.

II. *And be it enacted* by the authority aforesaid, That the several captains or commanders of the several patrols, shall follow and observe all such orders and instructions as shall be given them from time to time by the Governour or Commander-in-chief for the time being, or by the commissioners of their several districts, or any two of them, in pursuance of this Act, under the penalty of five pounds for every time he or they shall neglect or refuse to do his or their duty, of which the commissioners of the district or any two of them shall be judges; and also every patrol shall go to and examine every plantation in their district once in a month at least, and oftener if the commissioners or the captain shall see occasion, and take up all slaves which they shall meet without the bounds of his master's lands who have not a ticket or permit, (which ticket or permit shall be special, and specify the place where the slave is to go, the time when, and when to return, and if they go on horseback the same shall be expressed in the said ticket,) from their masters, mistresses or overseers, or some other person by his or her appointment, or some white person in the company of such slave, to give an account of his or their business, and correct the said slave or slaves by whipping, not exceeding twenty lashes; and the said patrols shall carefully search or break open if refused to enter, all negro houses for offensive weapons, and any guns, swords or other weapons, for which they have no licence from their master, mistress or overseer, to take away and to convert to the use of the patrol without further law or process; and if any patrol shall find any goods in any negro house, they shall inquire of the master, mistress or overseer of such negro house concerning the same, and if after such an inquiry, they the said patrol shall have cause to believe that the said goods are stolen, they shall correct such slave or slaves as they suspect to be concerned in the theft; and if any patrol shall see any slave or slaves endeavouring to avoid them by hiding or running away, it shall be lawful for any one or more of the said patrol to pursue and take the said slave or slaves, but if they do resist with a stick or any other instrument or weapon, it shall be lawful for the patrol to beat, maim and even to kill such slave or slaves; and if at any time any patrol shall have occasion to enter the dwelling house of any person or persons, by pursuing any slave or slaves who shall endeavour to conceal themselves from the said patrol, the captain shall ask leave of the master, mistress or some white person in their absence, to take such slave or slaves out of the said dwelling house; and in case it shall so happen that the said master, mistress or other white person do refuse their request to deliver such slave or slaves or suffer a search to be made, the said patrol having seen such slave or slaves enter, that then it shall and may be lawful for the captain and two of the patrol men to enter the dwelling house where such slave or slaves are concealed, and by force to take such slave or slaves and correct them as herein before is directed; and the master or mistress of such house or houses, or other white person therein so refusing to deliver such slave or slaves, or suffer such search to be made, shall forfeit the sum of five pounds, to be recovered by warrant, under the hands of any two of the commissioners for that district.

Duty of patrol.

Slaves to have
tickets.Case of slaves
hiding or running.Masters refusing
to give up
slaves.

III. *And be it further enacted* by the authority aforesaid, That the said patrols shall, and they are hereby authorized and impowered to

enter into any disorderly house, either of white persons or free negroes, where any negroes or other slaves may be suspected to be tipling and drinking, and to apprehend such negroes and other slaves, and to give them such correction as is herein before directed, and to search such disorderly houses for stolen goods if the said patrols shall have cause to suspect any such are therein concealed. A. D. 1734.
Patrols may enter any house.

IV. *And be it further enacted* by the authority aforesaid, That if any of the commissioners hereinafter appointed shall dye, depart this Province or refuse to Act, that then the remaining commissioner or commissioners (and if no commissioner then the inhabitants of the district) shall apply to the Governour or Commander-in-chief for the time being, who is hereby desired to appoint commissioners in the room of such as shall dye, depart or refuse to act. Commissioners dying, &c.

V. *And be it further enacted* by the authority aforesaid, That Col. Barnwell, Mr. Thomas Wigg and Mr. Richard Woodward, be commissioners for the district of Port Royal company: Mr. Richard Reynolds, Mr. John Fripp and Mr. Jonathan Norton, for the district of St. Helena, or Capt. Randall Evans's company; Mr. Lawrence Sanders, Mr. Samuel Sleigh and Mr. Joshua Sanders, for the upper district on the west side of Pon Pon river, or Captain Joshua Sanders's company; Mr. Thomas Burr, Mr. Henry Jackson and Mr. John Andrews, for the lower district on the west side of the said river, or Capt. John Jackson's company; Mr. John Bee, Mr. James Stobo and Mr. Henry Hyrne, for the district on the east side of the said river, or Capt. John Bull's company; Capt. William Ed- dins, Capt. John Jenkins and Capt. Charles Odensells, for the district of Edisto Island, or Capt. Odensells' company; Mr. Samuel Jones, Mr. William Hecknow and Capt. Samuel Underwood, for the district of Wadme- law Island, or Capt. Underwood's company; Mr. John Stanyarn, Col. Alexander Hext and Col. John Gibbes, for the district of Johns Island, or Capt. Weaverley's company; Mr. William Williamson, Mr. Barnaby Bull and Mr. James McKune, for the district of Stono, or Capt. Tucker's company; Major Bedon, Mr. Moses Greaves and Capt. Joseph Smith, for the district of Beech Hill, or Capt. Smith's company; John Williams, Richard Waring and Richard Eagles, for the district of St. George's, or Capt. William Sanders's company; Mr. Thomas Butler, Mr. William Fuller and Mr. Roger Saunders, for the district of Ashley River, or Capt. Francis Ladson's company; Mr. John Hyrn, Richard Wright, Esq. and Capt. Thomas Heyward, for the district of James Island, or Capt. Thomas Heyward's company; Capt. Peter Porcher, Mr. Abraham Dupont and Mr. Peter May, for the upper district of St. James Goose Creek, or Capt. Peter Porcher's company; Mr. Hugh Grange, Capt. Peter Taylor and Mr. Edward Keating, for the lower district of the said parish, or Capt. Peter Taylor's company; Mr. Rene Ravenell, Mr. James LeBas and Mr. Francis Lejau, for the lower district of St. Johns Parish, or Capt. Thomas Cord's company; Capt. Thomas Furguson, Mr. Daniel Ravenell and Mr. Paul St. Julien, for the upper district of the said parish, or Capt. Robert Taylor's company; Mr. James Akin, Mr. Francis Pagett and Mr. Samuel Simmons, for the upper district of St. Thomas and St. Dennis's parish, or Capt. Thomas Akin's company; Mr. Anthony Bonneau, jun. Mr. John Daniell and Capt. Michael Darby, for the lower district of the said parish, or Capt. Michael Darby's company; Mr. John Huggins, Mr. Jonathan Weilding, Capt. Samuel Wigfall, for the upper district of Christ Church parish, or Capt. Wigfall's company; Capt. John Vandeshorst, Col. Thom- as Lynch and Mr. Thomas Barksdale, for the lower district of the said parish, or Capt. Benson's company; Capt. Thomas Cooper, Mr. William

A. D. 1734.

Drake and Mr. John Greenland, for the upper district of St. James Santee, or Capt. Cooper's company; Mr. Isaac Le Grand, Mr. George Chicken and Mr. Jonah Collins, for the lower district of the said parish, or Capt. Peter Robert's company; Mr. William Allston, Mr. John Wallis and Mr. Elisha Scriven, for Georgetown and Wadmelow neck company; Mr. Meredith Hughes, Mr. William Swinton and Capt. Anthony White, for the district of Black River, or Capt. Anthony White's company.

Two patrols in Charlestown.

VI. *And be it further enacted* by the authority aforesaid, That Col. Samuel Prioleau, Col Moses Wilson and Capt. Garret Vanvelsin, be and are hereby appointed commissioners for the parish of St. Philips, Charlestown, within and without the limits of the town plat, within which-limits there shall be two patrols, consisting of a captain and eight men each, one of which patrols shall ride alternately Saturday nights, Sundays, Sunday nights, and holidays, with such number of their men as they shall judge proper; which said commissioners shall have the same powers and authorities as the other commissioners in this Act have; which patrols shall be under and subject to the same penaltys and forfeitures, and entitled to the same exemptions, libertys and privileges as the other patrols herein before appointed are subject and liable or intitled unto.

Penalty for not appearing.

VII. *And be it further enacted* by the authority aforesaid, in order to keep the said patrols more strictly and regularly to their duty, that all and every the said patrol men so to be enlisted as aforesaid, shall for every neglect or default in appearing armed and accoutred as in this Act is herein before directed, at the place or places of rendezvous to be appointed by the said captains respectively, and for every other neglect or breach of duty, to be adjudged of by the said captains or commissioners respectively, shall respectively forfeit and pay the sum of twenty shillings, to be levied by warrant under the hands and seals of the said commissioners or any two of them respectively, and distress on and sale of their goods and chattles, or by stopping so much of their pay, at the election of the said commissioners.

Forfeitures, how recovered.

VIII. *And be it further enacted* by the authority aforesaid, That all fines, penalties and forfeitures by this Act laid or imposed, and not here before disposed of, or the method by which the same shall be levied, directed, all and every such fines, penaltys and forfeitures, shall be levied by warrant or warrants, under the hand and seal of the said commissioners or any two of them respectively, in the district in which such fines, penaltys or forfeitures shall arise; and the said fines, penaltys and forfeitures shall be to the use of the said patrols respectively in which the said fines, penaltys and forfeitures shall arise.

Pay of the patrols & officers.

IX. *And be it further enacted* by the authority aforesaid, That the captains of the several patrols, to be commissioned by his Excellency, by virtue of this Act, shall be paid out of the publick treasury the sum of fifty pounds per annum, and the private men twenty-five pounds per annum each, for which sums orders shall be drawn by the respective commissioners or any two of them, on the Publick Treasurer of this Province, who is hereby impowered and directed to take the same in payment in any ensuing tax after the date of such order.

Negroes having stolen goods.

X. *And be it further enacted* by the authority aforesaid, That the said patrols for their further encouragement shall have all fowls and other provisions that they shall find in the possession of stragling negroes who are found without tickets from their masters, mistresses or overseers; always provided, that if the said patrol meet with any stolen goods in the possession of any negroes, in any negro house or otherwise, they shall deliver the said goods to one of the commissioners of that district, taking a

receipt for the same, in order to convict the said negro and that the goods may be returned to the owner. A. D. 1734.

XI. *And be it further enacted* by the authority aforesaid, That if any of the commissioners, captains, constables or other officer or officers, or other person or persons whatsoever, shall be sued, arrested or impleaded, or have any action or actions brought against him or them for any matter or thing which he or they shall do by virtue of or in pursuance of the directions of this Act, it shall and may be lawful to and for the said commissioners, captains, constables and other officer or officers, and other person and persons, to plead the general issue that he or they are not guilty, and to give this Act and the special matter in evidence, on the tryal of such cause and causes; and if a verdict shall pass against such plaintiff or plaintiffs, or such plaintiff or plaintiffs shall suffer a nonsuit or discontinue his or their action or actions, that then and in every such case, the justices of such court shall tax and allow to such defendant and defendants, his and their double costs of suit in every such action and actions. This Act and every thing herein contained, to continue for two years, and from thence to the end of the next sessions, and no longer. Officers sued may plead this act.

XII. *And be it further enacted* by the authority aforesaid, That all the said patrols established by this Act, during and at all times when they are upon duty, shall have ferridge free over all the ferrys established in this Province which they shall have occasion to use during the time they shall be so upon duty, any law or usage to the contrary notwithstanding. Patrols to pass ferries free.

PAUL JENYS, *Speaker.*

In the Council Chamber, 9th April, 1734.

Assented to : ROBT. JOHNSON.

AN ACT FOR RAISING A FUND FOR THE BETTER SUPPORT AND REGULATION OF THE INDIAN TRADE. No. 575.

WHEREAS, it hath been found by many and late instances, that the insolencies of the Indian nations among which his Majesty's subjects of this Province have carried on a trade for their skins and furs, have very much increased, to the great terror and disquiet of such traders, and may endanger the peace and security of this Province, and the danger of loosing the trade carried on with such Indians, and if some timely precaution is not taken to prevent the same, the said trade may be wholly lost or turned into some other channel: And whereas, it is most just and equitable that the charges and expences attending the keeping the said nations of Indians in friendship with the said traders, should be borne and paid by those who receive the benefit and profit thereof; for the better effecting of which we humbly pray your most sacred Majesty that it may be enacted, Preamble.

I. *And be it enacted*, by his Excellency Robert Johnson, Esq. Governour, Captain General and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council and the Commons House of Assembly of this Province, and by the authority of the same, That the commissioner of the Indian trade, appointed or to be appointed by this or any other Act of the General Assembly of this Province, shall not grant any license to any person or persons whatsoever, for trading with the Indians Licence to be allowed for trading within certain bounds.

A. D. 1734.

License fee
£50.Penalty for
trading till
license fees
are paid.Traders to give
an account of
the skins they
have traded for.Duty of six
pence per skin.

without the bounds and limits settled and appointed in and by an Act entituled an Act for the better regulation of the Indian trade, and for appointing a commissioner for that purpose, until such person and persons shall have first paid to the publick treasurer for the time being, the additional sum of fifty pounds, current money of this Province, for each respective license so to be granted for one year, or in proportion only for the time he shall take such lycastle out; provided that no license shall be granted for less than six months; any law, statute or usage, to the contrary thereof in any wise notwithstanding.

II. *And be it further enacted* by the authority aforesaid, That if any person or persons whatsoever, shall presume to carry on any trade or traffick, to or with any of the said Indians, without the bounds and limits aforesaid, for any sort of deer skins, furs, goods, wares or merchandize whatsoever, before he or they shall have paid the aforesaid additional sum of fifty pounds, current money, over and above the sum of thirty pounds appointed by the above recited law, to the said publick treasurer, and obtained a license from the said commissioner for carrying on the said trade to and with the said Indians, shall be subject and liable to all the pains, penaltys and forfeitures that are laid and inflicted, or directed and appointed, in and by an Act entituled an Act for the further regulation of the Indian trade, and to revive and continue the Act therein mentioned, for any person or persons trading with any of the said Indians without the bounds aforesaid; and the said penaltys and forfeitures and every of them, shall and may be sued for, recovered and levied in such sort and manner as is directed in and by the said last hereinbefore mentioned Act.

III. And whereas, it is thought convenient and necessary, for the better security and protection of the Indian trade amongst the said Indians, to build and erect one or more fort or forts, for the safe keeping of goods and merchandize that shall from time to time be carried or sent by the said traders to or amongst the said Indians, and for a place of retreat for the said traders, in case of danger, attempt or design of the Indians to cut off or otherwise injure the said traders; therefore, for the better defraying the expense of erecting and building the said fort or forts, and maintaining and keeping the same when built, *Be it enacted* by the authority aforesaid, That all and every the traders so licensed or to be licensed as aforesaid, shall, and he and they is and are hereby obliged and required to enter upon oath, with the Captain or commander of the said fort, when the same shall be built and erected, and until the same is built and erected, either with Captain Charles Russell, at his plantation, on the South side of Santee river, or with any other person who shall be appointed by his Excellency the Governour, for that purpose, or with the commander of fort Moore, for the time being, or with the commander of the rangers, at the Pallachula fort, for the time being, the particular number of deer skins and furs that every such trader shall have so traded for, and which he shall bring or send down to Charlestown, or any other port or place within this Province, from any Indians whatsoever, except the Ittiwans, Pedees, Cussoes, Winyaws, Cape Fears, Kewaws, St. Helenas and Edistoos, who are deemed to be resident within the settlements; and shall at the same time be obliged to pay to the said Captain or commander of such fort, or such other person appointed or to be appointed as aforesaid, or give bond to pay the same to the publick treasurer, for the time being, in two months, a duty or sum of six pence, current money of this Province, for every skin and furr that such trader or traders shall so have traded for, and which he shall so bring or send down to Charlestown, or any other port or place within this Province, on pain of the forfeiture of

A. D. 1734.

all and every the skin and skins, furr and furs, which he shall have so traded for and sent down to Charlestown, or any other port or place within this Province, without first having made his entry of the same as aforesaid, and paid the said duty of six pence per skin, or entered into bond for payment thereof, in manner as afore is directed; and the said captain and commander of the said fort and forts, when erected and built, and the said Charles Russell, or other person appointed or to be appointed, upon every entry so made or to be made by the said traders of such skins and furs, are hereby directed and required to give the said traders respectively, without fee or reward, a permit directed to the public treasurer, and the public treasurer for the time being, and all other his Majesty's subjects whom it may concern, to permit and suffer the said traders to carry and bring down to Charlestown, or any other port or place in this Province, all and every such skins and furs so entered with such captain or commander of such fort or forts, or the said Charles Russell, or other person appointed or to be appointed, without any molestation or interruption.

IV. *And be it further enacted* by the authority aforesaid, That all and every deer skin and skins and furs whatsoever, that shall be brought and sent down to Charlestown, or any other port or place within this Province, which have not been duly and regularly entered at the said fort and forts, or the said Charles Russell's, or other persons appointed or to be appointed for that purpose, or for which the said duty of six pence per skin hath not or shall not be paid, according to the direction and true intent and meaning of this Act, shall and is and are hereby declared and enacted to be forfeited, the one half to his Majesty for the use and support of the said fort and forts, and the other half to him or them that will inform or sue for the same, by bill, plaint or information, in any Court or Courts of record in this Province, wherein no essoign, protection or privilege, or any more than one imparlance, shall be admitted or allowed; and that the proof of such skin or skins, furr or furs, having been duly entered and the duty thereon paid, or bond given according to the direction and true intent and meaning of this Act, shall lye on the owner or owners, or other person or persons laying claim to such skins or furs respectively; and that it shall and may be lawful to and for any person or persons whatsoever, to seize as forfeited, all and every such skin and skins, furr and furs, for which no permit as aforesaid shall be shown or produced, on the bringing the same down to Charlestown, or any other port or place whatsoever, within this Province.

Skins forfeited
if not entered
and duty paid.

V. *And be it further enacted* by the authority aforesaid, That all and every the money and moneys arising by the said additional sum of fifty pounds on each respective license as aforesaid, and also by the said duty of six pence, current money, per skin, on all and every deer skins and furs sent down to Charlestown, or any other port or place within this Province, shall be paid and applied to and for the use of this Province, in such manner as the General Assembly shall direct and appoint towards the building and maintaining the fort or forts hereafter to be built.

Duty to be ap-
plied to publick
purposes.

VI. And whereas, Tobias Fitch, Esq. late commissioner of the Indian trade, hath for some time declined acting as such, and thereupon William Drake, Esq. upon the recommendation of the Assembly, was commission-
ated and appointed to act as Indian trading commissioner, *Be it therefore enacted* by the authority aforesaid, That the said William Drake, Esq. be and he is hereby appointed sole commissioner of the Indian trade in this Province, and he is hereby invested with full power and authority, to execute and see put in execution, the several powers and authorities required to be done and performed by the commissioner of the Indian

Commissioner
appointed

A. D. 1734

trade by this Act, and any and either of the Acts of the General Assembly herein before mentioned, to have, use, exercise and enjoy the said office of sole commissioner of the Indian trade in this Province, for one whole year, from the ratification of this Act, and from thence to the end of the next session of the General Assembly.

General issue
may be pleaded
and this Act
given in evi-
dence.

VII. *And be it further enacted* by the authority aforesaid, That if any person or persons whatsoever, shall be sued or prosecuted for any matter or thing done or to be done, in pursuance of, or by the direction or under the authority of this Act, it shall and may be lawful to and for all and every such person and persons, to plead the general issue, and give this Act and the special matter in evidence; and if the plaintiff or plaintiffs, in any such action or suit, shall discontinue, become nonsuit, or a verdict shall pass against him or them, the judge or judges of such Court, before whom the same shall be tryed, or in which the said action or actions is commenced, shall and they are hereby required and directed, to tax and allow to every such defendant and defendants, his and their double costs of suit; and this Act is hereby declared to be a publick Act, and as such to be taken notice of by all Courts, without specially pleading the same.

Limitation for
2 years.

VIII. *And be it further enacted* by the authority aforesaid, That this Act, and every thing therein contained, shall continue and be in force for two years from the ratification thereof, and from thence to the end of the next session of the General Assembly, and no longer.

PAUL JENYS, *Speaker.*

In the Council Chamber, Charlestown, the 23d November, 1734.

Assented to: ROBT. JOHNSON.

No. 576. AN ACT for granting to his Majesty an additional duty on Madera Wine, Rum, Molasses, Flower, Muscovado and Clayed Sugar, for the use of the Publick of this Province.

(Passed April 9, 1734. Too much mutilated to be copied.)

No. 577. AN ACT to provide for the better security of this Province against the incursions of the Indian nations.

(Passed April 9, 1734. Too much torn and defective to be copied usefully.)

No. 578. AN ACT for the better regulating the Port and Harbour of Charlestown, and Shipping frequenting the same.

(Passed April 9, 1734. See last volume.)

A. D. 1734.

AN ACT for the better and more certain regulating and adjusting the metes and boundaries of Queen-street, formerly called Dock-street, in Charlestown, and for appropriating such waste and vacant lands as shall be found on the north side of the said street.

No. 579.

(Passed April 9, 1734. *See last volume.*)

AN ACT for establishing a Ferry at North Edisto River, from the place called the Point of Pines, belonging to Mr. Paul Grimball, on Edisto Island, to Mr. Brian's landing, near Leadenwaw Creek, on Wadmelow Island, or as near thereto as may be, in the Parish of St. Pauls, in Colleton county.

No. 580.

(Passed 9th April, 1734. *See last volume.*)

AN ACT for rebuilding a Bridge over Ponpon River, and to appoint Commissioners to lay out a Road from thence to the Ferry on Combee River.

No. 581.

(Passed 9th April, 1734. *See last volume.*)

AN ACT for clearing, cleansing and making navigable the head of Ashley river, from the Bridge commonly called Waring's bridge, to the Bridge commonly called Stevens's Bridge, and from the said Bridge to Dorchester Bridge, and from thence to the Plantation of Samuel Wragg, Esq. inclusive.

No. 582.

(Passed 9th April, 1734. *See last volume.*)

AN ACT for the better regulating the Courts of Justice in this Province; and for altering the time of holding Courts.

No. 583.

(Passed 9th April, 1734. *See last volume.*)

AN ACT for the better regulating the Militia

No. 584.

(Passed 30th May, 1734. *See last volume.*)

A. D. 1734.



**No. 585. AN ACT TO SUPPLY THE DEFECTS IN THE EXECUTION OF THE TAX ACT
FOR THE YEAR ONE THOUSAND SEVEN HUNDRED AND THIRTY-THREE.**

Preamble.

WHEREAS, in and by an Act of the General Assembly of this Province entitled “An Act for raising the sum of forty-one thousand five hundred and eleven pounds nine shillings and ten pence half penny, for defraying the charges of the Government for one year, commencing the twenty-fifth day of March, one thousand seven hundred and thirty-three, and ending the twenty-fifth day of March, one thousand seven hundred and thirty-four,” among other things, it was enacted, that all persons whatsoever who were possessed of any lands or slaves in this Province, either in their own right or in the right of any other person, or are liable to pay any tax by virtue of the said Act, should, on or before the third Tuesday in May next ensuing, render a particular account thereof to the inquirers and collectors of the several parishes and places respectively where the person who is to render such account does live and reside; and it is further enacted, by the Act aforesaid, that all such persons should pay in their taxes to the several persons thereby appointed to receive the same, on or before the second Tuesday in June next, or within ten days then next, at farthest, at which time the said collectors of the several parishes without the limits of Charlestown plat shall close their accounts, and transmit the same, on or before the first Tuesday in July next after, to the publick treasurer for the time being—as in and by the said Act more fully it may appear: And whereas, by reason of the negligence of the officer whose duty it was to transmit abstracts of the said Act to the several parishes in this Province, the said Act was not transmitted to the inquirers and collectors of the Parish of St. Helena, in Granville county, so that the inquirers and collectors of the said parish might proceed thereon, pursuant to the direction and intention of the said Act, within the time therein limited for the same: For the supplying of which defect, and that all persons throughout this Province may bear and pay their proportionable part of the expense and charge of the support of the Government of this Province, we humbly pray your most sacred Majesty that it may be enacted,

Time for payment enlarged.

I. *And be it enacted*, by his Excellency Robert Johnson, Esquire, Governour, Captain General and Commander-in-chief in and over this his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honorable Council and the Commons House of Assembly of this Province, and by the authority of the same, That the time for all persons liable to pay any tax by virtue of the said herein before recited Act, to make return of their lands and slaves to the inquirers and collectors, and either of them, of the said parish of St. Helena, in Granville county, and also the time for all other persons in any of the other parishes or districts in this Province to which the said Tax Act has not been transmitted in due time for the said inquirers and collectors to proceed thereon, shall be and is hereby enlarged to the third Tuesday in June next; and all persons liable to pay any tax by virtue of the said recited Act, in the said parish of St. Helena, or the said other parishes or districts respectively, shall and are hereby required and enjoined to make their returns and pay in their respective taxes to the said inquirers and collectors respectively, on or before the first Tuesday in July next, under the same pains, penalties and forfeitures as are limited and inflicted or prescribed for not making their returns and paying in their respective taxes

within the time limited for doing the same in the said herein before recited Act, any thing in the said Act to the contrary notwithstanding. A. D. 1734.

II. *And be it further enacted* by the authority aforesaid, That the time limited in the said Act for the several persons in the said parish of St. Helena, and the said other parishes and districts to which the said Act hath not been yet transmitted, to pay their respective taxes to the said collectors, shall be and is hereby enlarged until the said first Tuesday in July next; and the time for the said collectors to close their respective accounts and transmit the same, together with the moneys by them received or collected, to the publick treasurer in Charlestown, shall be and is hereby enlarged until the last Tuesday in July next. Other enlargement.

III. *And be it further enacted* by the authority aforesaid, That all the other collectors of the several parishes without the limits of Charlestown plat, shall and they are hereby required to close their accounts and transmit the same, together with all the moneys by them received or collected for taxes, to the publick treasurer in Charlestown, on or before the first Tuesday in July next ensuing. As to Charlestown.

IV. *And be it further enacted* by the authority aforesaid, That the said inquirers and collectors of the parish of St. Helena, and the said other parishes to which the said Act hath not yet been transmitted, and every of them respectively, shall have and they are hereby invested with all the same powers and authorities, and subjected and liable to all the fines, penalties and forfeitures, as they were invested with or subject and liable to for the execution and non-execution or omission to perform their respective duties, in and by the said Act herein before recited, as they would have been had the same been regularly and duely transmitted to them within the time limited or mentioned by the said Act, any thing in the said Act, or any other Act, usage or custom to the contrary in any wise notwithstanding. Inquirers and collectors to have the same power as by the former Act.

PAUL JENYS, *Speaker.*

In the Council Chamber, the 30th of May, 1734.

Assented to: ROBT. JOHNSON.

AN ACT for the better ordering and governing of Negroes and other No. 586.
slaves.

(Passed March 29, 1735. *See last volume.*)

AN ACT to appoint Commissioners to lay out and mend Roads and No. 587.
appoint Ferries for the Parishes of Prince George Winyaw and
Prince Frederick, and to explain part of an Act entitled an Act
for dividing the Parishes of St. Paul in Colleton County, and Prince
George Winyaw, in Craven County, and to appoint a Ferry over
Santee River.

(Passed March 29, 1735. *See last volume.*)

AN ACT for sinking a Drain in Broad-street, in Charlestown, and No. 588.
for cleansing and regulating the said street.

(Passed March 29, 1735. *See last volume.*)

A. D. 1735.

No. 589. AN ACT to appoint and enable certain Commissioners to keep in repair the Road leading from Bacon's Bridge, in Berkley County, to the parish line, near Jackson's Ferry; and also, Commissioners to lay out a Road from thence to the road on the east side of a swamp, at a place called Mr. Drayton's Cowpen.

(Passed April 28, 1735. *See last volume.*)

No. 590. AN ACT further to empower the Commissioners of the High Roads in the Parish of St. Philip, St. Andrew, and St. James Goose Creek, to complete and finish the Roads in the said Parishes respectively.

(Passed April 28, 1735. *See last volume.*)

No. 591. AN ACT for laying out a Road from the Round O Savannah to the publick road leading from Jackson's Ferry to the Horse Shoe Savannah, and to appoint Commissioners for the same; and for the establishing a Ferry from the Plantation of Col. Samuel Prioleau, called Patterson's Point, on Port Royal Island, to the land of Thos. Jans, Esq. on the Indian land; and also to erect a Ferry over Combahee River, and to appoint Commissioners to lay out Roads from thence to Purrysburgh and to Port Royal Ferry, with the same power and authority as any Commissioners of Highways have in this Province.

(Passed April 28, 1735. *See last volume.*)

No. 592. AN ACT FOR LAYING BUOYS AND ERECTING AND SUPPORTING BEACONS OR LANDMARKS NEAR THE BAR OF THE HARBOUR OF GEORGETOWN, WINYAW, AND FOR BUILDING AND REPAIRING ONE OR MORE PILOT BOAT OR BOATS TO ATTEND THE BAR OF THE SAID HARBOUR, AND FOR THE BETTER SETTLING AND REGULATING THE PILOTAGE FOR THE SAID HARBOUR.

Preamble.

WHEREAS, the inhabitants of Win yaw, by their humble petition to the General Assembly of this Province, have set forth the necessity of laying buoys and erecting beacons or landmarks, and maintaining pilot boats to attend the bar of the harbour of Georgetown, Win yaw, and divers other things necessary for the regulating the said port and harbour, to the safety and encouragement of such vessels as shall use the same; and that the said inhabitants were desirous to promote and willing to contribute towards the same, and thereby prayed leave to bring in a bill for that purpose; we therefore humbly pray your most sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Excellency Robert Johnson, Esq. Governour, by and with the advice and consent of his Majesty's honourable Council and the Commons House of Assembly of this Province, and by the

nurthority of the same, That the several persons herein after named be, A. D. 1735.
 and they are hereby appointed, commissioners to put in execution the
 several matters in this Act directed, viz: Capt. Meredith Hughes, Major Commissioners
 George Pawley, Mr. Daniel La Roche, Mr. William Swinton and Capt. nominated.
 Anthony White, three of whom are hereby declared to be a quorum;
 which said commissioners shall and they are hereby authorized, impow-
 ered and required to lay buoys and to erect beacons or land-marks on such
 place or places near the bar of the said harbour of Winyaw, as they shall Their duty.
 judge most proper for that purpose; and also shall build one or more
 pilot boat or boats, as they shall think necessary, to attend the said bar,
 and keep the same in sufficient repair; which said boat or boats shall be
 delivered into the custody and care of the pilots for the said harbour, who
 shall obtain branches or licences, in the manner hereafter directed.

II. And the better to raise a fund for the purposes aforesaid,
Be it enacted, That the said commissioners shall and they are hereby Assessment to
 authorized, impowered and required to rate and assess all and every the be levied.
 inhabitants, proprietors and owners of lands and slaves in the parishes of
 Prince George Winyaw and Prince Frederick, and owners of town lots
 in Georgetown, rateably and proportionably, according to the quantity of
 lands and number of slaves, and value of the said town lots, held, owned,
 or claimed in either of the said parishes, which assessment shall be made
 and taken yearly, from the account of the inquirers and collectors of the
 general tax for the last preceding year; provided that the said assessment
 shall not exceed the sum of one thousand pounds per annum.

III. *And be it further enacted* by the authority aforesaid, That in case
 any person or persons shall, on due notice given, neglect or refuse to pay Penalty for
 his or their part or proportion of such assessment to the said commission- non-payment.
 ers, then the said commissioners, or a quorum of them, shall and they are
 hereby authorized, impowered and directed to issue a warrant of distress,
 under their hands and seals, against such defaulter or defaulters, for the
 same, directed to any lawful constable in the county where such defaulter
 lives or resides.

IV. *And be it further enacted* by the authority aforesaid, That the said
 commissioners, or any three of them, shall and they are hereby authorized Pilots to be
 and impowered to recommend such fit and competent person or persons appointed.
 to his Excellency the Governour or the Commander-in-chief for the time
 being, to nominate and appoint such person and persons to act as pilot and
 pilots for the conducting vessels inward to and outward from the said port
 of Georgetown, as they shall judge proper; and every master or skipper
 of any ship or vessel, for the consideration of the pilotage of such ship or
 vessel inward to and outward from the said port, shall pay unto the licen-
 ced pilot or pilots who shall take charge of the same, the following sum
 and sums of money, rates and prices, as in the following table is directed
 and appointed, viz. For six feet of water, or under, inward or outward, Their fees.
 three pounds five shillings; for seven feet, five pounds; for eight feet,
 six pounds and five shillings; for nine feet, seven pounds and ten shillings;
 for ten feet, eight pounds fifteen shillings; for eleven feet, ten pounds;
 for twelve feet, eleven pounds five shillings; for twelve feet and a half,
 twelve pounds ten shillings; for thirteen feet, thirteen pounds fifteen shil-
 lings; for thirteen feet and a half, fifteen pounds; for fourteen feet, six-
 teen pounds fifteen shillings; for fourteen feet and a half, nineteen pounds
 five shillings; for fifteen feet, twenty pounds ten shillings; for fifteen feet
 and a half, twenty-five pounds; for sixteen feet, thirty pounds; for six-
 teen feet and a half, thirty-five pounds; for seventeen feet, forty pounds.

A. D. 1735.

Penalty for
removing the
buoys.

V. *And be it further enacted* by the authority aforesaid, That if any person or persons whatsoever shall remove or take away any of the said buoys so to be erected, he or they shall forfeit for every such offence the sum of two hundred pounds current money, to be recovered by action of debt, bill, plaint or information, in any court of record in this Province, wherein no essoign, privilege or protection shall be allowed or admitted, the one half to his Majesty, for the use of the said port of Georgetown, and the other half to him or them that will sue for the same.

Vessels from
Charleston to
pay but half
fees.

VI. *And be it further enacted* by the authority aforesaid, That all ships or vessels which shall come to the port of Charlestown and afterwards go to the port of Georgetown, Winyaw, or Port Royal, for a freight, shall not be liable to pay to any officer or officers whatsoever in the said port of Charlestown, more than half fees.

Commissioners
dying, &c.

VII. *And be it further enacted* by the authority aforesaid, That in case any of the said commissioners shall happen to dye, refuse to act or depart this Province, then his Excellency the Governour or the Commander-in-chief for the time being, shall have power to nominate and appoint another commissioner in the room of him that shall so dye, refuse to act, or depart this Province; and such commissioners, so to be appointed, shall have the same powers and authorities in all respects whatsoever as those have who are particularly named in this Act.

General issue
may be plead-
ed and this Act
given in
evidence.

VIII. *And be it further enacted* by the authority aforesaid, That if any of the said commissioners, or any other person or persons whatsoever, shall be sued or prosecuted for any matter, cause or thing done or to be done in pursuance of or under the authority of this Act, then the said commissioners or other person shall and may plead the general issue, and give this Act and the special matter in evidence, in the court or courts where such suit or prosecution shall be brought or commenced.

Powder tax
to be paid.

IX. *And be it further enacted* by the authority aforesaid, That all ships and vessels which shall come to the port of Georgetown, Winyaw, or to the port of Port Royal, from any port (except the port of Charlestown,) shall be liable to pay the same powder money as ships and vessels that go to Charlestown; which shall be paid to such person as the powder receiver in Charlestown, for the time being, shall depute and appoint to receive the same.

Limitation of
this Act.

X. *And be it further enacted* by the authority aforesaid, That this Act shall continue, remain and be in force for and during the space of three years, and from thence to the end of the next session of the General Assembly, and no longer.

PAUL JENYS, *Speaker.*

In the Council Chamber, April 28th, 1735.

Assented to: ROBT. JOHNSON.

A. D 1735.

No. 593.

AN ACT TO PROVIDE A FULL SUPPLY FOR SUBSISTING POOR PROTESTANTS COMING FROM EUROPE AND SETTLING IN HIS MAJESTY'S NEW TOWNSHIPS IN THIS PROVINCE, AND FOR ESTABLISHING A FUND BY AN ANNUAL TAX ON THE INHABITANTS OF THIS PROVINCE, FOR PAYING OFF AND CANCELLING THE REMAINING PUBLIC ORDERS, WHICH WERE ISSUED IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND THIRTY-ONE.

WHEREAS, it is now found by experience, that the sum of five thousand pounds per annum, appropriated by a law commonly called the appropriation law, is not sufficient fully to provide for and accommodate new comers, according to his Majesty's Royal intentions, for the better settling and strengthening of this his Province: And whereas, the General Assembly of this Province have promised, that in case the said sum of five thousand pounds, part of the dutys mentioned in the said law, should not be sufficient for that purpose, that they would provide a further sum to make good the deficiency, as far as the amount of the duty on negroes to be imported in this Province; in order therefore to answer his Majesty's intentions, and to establish and make good the promise aforesaid, and that ample provision may be made for poor Protestants coming from Europe, in order the better to strengthen and defend the frontiers of this Province, by settling in the new Townships aforesaid, we most humbly pray your most sacred Majesty, that it may be enacted,

Preamble.

I. *And be it enacted*, by his Honor Thomas Broughton, Esq. Lieutenant Governour, by and with the advice and consent of his Majesty's honourable Council and the Commons House of Assembly of this Province, and by the authority of the same, That all the moneys arising by dutys on negroes imported into this Province, from and after the twenty-fifth day of March, in this present year, one thousand seven hundred and thirty-five, shall be and they are hereby appropriated and applied to and for the use of purchasing tools, provisions and other necessaries for poor Protestants lately arrived in this Province, or who shall come from Europe and settle in his Majesty's new Townships, laid out in this Province; any law, usage or custom, to the contrary notwithstanding.

Appropriation of the negro tax for this year, to the purposes of this Act.

II. *And be it further enacted* by the authority aforesaid, That all such sum and sums arising as aforesaid, shall be issued and paid for the purposes aforesaid, in the most equal manner, always giving preference to and first providing for the settlers in the Townships most exposed, and which may be judged most conducive to the strengthening the barrier against our Indian or other enemies.

How to be expended.

III. *And be it further enacted* by the authority aforesaid, That the publick treasurer for the time being, shall still continue to receive of the said publick orders in payment for dutys inward, and shall discount or pay the interest due thereon, charging the same agreeable to the directions of a law commonly called the appropriation law; and the nett sum remaining, after deducting the interest as aforesaid, are the moneys meant and intended by this law to be applied for the uses aforesaid.

Duty of the Public Treasurer.

IV. And whereas, by the application of the dutys on negroes as aforesaid, there will be outstanding in specie, of the public orders unprovided for on the twenty-fifth day of March last, about the sum of thirty-one

Tax on land and slaves.

A. D. 1735.

thousand pounds; in order therefore that the same may be paid off, cancelled and destroyed, *Be it enacted* by the authority aforesaid, That there shall be and is hereby assessed and taxed, and shall be annually levied and paid by the inhabitants and owners of lands and slaves in this Province, the sum of five shillings current money per head, for all slaves, and two shillings and six pence like current money, for every hundred acres of land without the limits of Charlestown; and sixteen hundred pounds per annum shall be raised on the inhabitants of Charlestown and others, who own either slaves, houses or lands within the limits of Charlestown plat; which sum and sums as aforesaid, shall be paid by the respective owners, guardians, attorneys, executors and administrators of and for all lands, slaves or houses, annually, into the publick treasury, at the same time and times as the annual general taxes are respectively paid.

In case of
deficiency.

V. And whereas, it is uncertain how much will be the amount of the said tax in the whole, *Be it further enacted* by the authority aforesaid, That if it shall so happen that the said sum of sixteen hundred pounds so to be raised by the parish of St. Philips, Charlestown, shall not be a sixth part of the whole to be raised as aforesaid, on the town and country, then what shall be wanting to make the same one sixth part as aforesaid, shall be made up in the next year's tax by the said parish; and if it shall amount to more than one-sixth part as aforesaid, then there shall be remitted and abated to the said parish, out of the next year's tax, so much as they shall raise over and above the one-sixth part as aforesaid, in the preceding year; and in case any person or persons shall be guilty of concealing either the number of slaves or quantity of land for which they ought to pay the annual tax as aforesaid, or shall neglect by the space of one whole month, to pay or cause to be paid into the publick treasury the sum or sums required by this Act, over and above any general tax which may hereafter be raised, he, she, or they, shall forfeit treble the value hereby intended to be assessed, and which shall be recovered in the manner hereinafter directed.

Collectors
authorized to
collect this tax.

VI. *And be it further enacted* by the authority aforesaid, That the several inquirers, assessors and collectors of the general tax, for the several parishes in this Province, hereafter to be annually appointed, shall have the same powers and authorities within their respective parishes and districts, for collecting and gathering in the several rates and proportions of taxes aforesaid, for the purposes aforesaid, as they have or shall have by the tax law for inquiries, assessing and collecting in the general tax of the then current or preceding year; and the said inquirers, assessors and collectors, shall be obliged to make their several inquiries, assessments and collections aforesaid, and to return the same moneys at the same days and times upon oath, when done, to the publick treasurer, under the same pains and penalties as the said inquirers, assessors and collectors are respectively subject and liable to by the said tax law and laws respectively.

Surplus how
disposed of.

VII. And if it should so happen, that the amount of the said moneys herein mentioned, should be more than shall be necessary for the purposes aforesaid, *Be it further enacted* by the authority aforesaid, That all such surplus so remaining, shall be appropriated and applied annually, as the General Assembly shall from time to time order and direct; any law or statute to the contrary notwithstanding.

VIII. *And be it further enacted*, That all such sum or sums received by the publick treasurer as aforesaid, shall be immediately applied for exchanging and paying off the publick orders aforesaid, which orders so paid off shall immediately, in the presence of a committee of both Houses, be burned to ashes.

IX. *And be it further enacted* by the authority aforesaid, That this Act, A. D. 1735.
and every matter and thing herein contained, shall continue and be in force for and during the term of three years from the ratification of this Act, and from thence to the end of the next session of the General Assembly, and no longer. Limitation of this act.

PAUL JENYS, *Speaker.*

In the Council Chamber, the 7th June, 1735.

Assented to: THOS. BROUGHTON.

AN ACT FOR THE MORE EFFECTUAL PREVENTING THE COUNTERFEITING THE BILLS OF CREDIT OF THIS PROVINCE, AND FOR CALLING IN AND REISSUING SUCH OF THE DENOMINATIONS OF THE CURRENT BILLS OF THIS PROVINCE, AS ARE OR SHALL BE SUPPOSED TO BE COUNTERFEITED. No. 594.

WHEREAS, divers ill disposed and wicked persons, designing the hurt and damage of this Province, and of his Majesty's good subjects within the same, and for base lucre and gain to themselves, have forged and uttered several counterfeit bills in likeness and imitation of the current and lawful bills of this Province; for the remedy of which evil, and prevention as much as may be of the like for the future, we humbly pray your most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted*, by the Honourable Thomas Broughton, Esq. Lieutenant Governour, Captain General and Commander-in-chief in and over this his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council and the Commons House of Assembly of this Province, and by the authority of the same, That all and every the owners and possessors of any of the denominations of the current bills of this Province, that is to say, the fifteen pounds, four pounds, and three pounds bills, which are supposed to be counterfeited, shall on or before the seventh day of August next ensuing the ratification of this Act, bring in and deliver unto the commissioners hereinafter named and appointed, all the said bills of such denominations supposed to be counterfeited; and that from and after the said seventh day of August, none of the said bills of those denominations so supposed to be counterfeited and which are not brought into the commissioners by the said time, shall have any further currency or force in law, but are hereby prohibited and forbidden to pass, and declared of no value; any law or usage to the contrary thereof in any wise notwithstanding. Denominations of bills supposed to be counterfeited.

II. *And be it further enacted* by the authority aforesaid, That in case it shall hereafter appear to the commissioners or the commissioners for the time being, that any other denominations of the current lawful bills of this Province are counterfeited, then, upon application by them to his Honour the Lieutenant Governour, or the Governour for the time being, a proclamation shall be issued for calling in such bills supposed to be counterfeited, within a certain time, (provided, not less than two months be limited for that purpose,) and declaring the same to be not current, and of no value after the said time; which said bills of the said denominations shall be dealt with by the said commissioners, and they shall have the same powers and authorities and shall proceed in the same manner with regard thereto, as they have or do in relation to the denominations of fifteen pounds, four pounds and three pounds bills herein before mentioned. Proclamation may be issued.

A. D. 1735.

Account to be
kept of bills
brought in.Commissioners
to judge of their
genuineness.Warrants to be
issued against
suspected
persons.Bills reissued to
be deemed cur-
rent money.Penalty for
counterfeiting.

III. *And be it further enacted* by the authority aforesaid, That the commissioners hereinafter named, and the commissioners for the time being, shall keep an exact and distinct account of the several persons names who shall bring in the said bills, and the numbers and value of each denomination thereof brought in by each respective person; and the said commissioners are hereby directed and authorized to exchange all such bills so brought in, and which are genuine bills made off the true plates of such respective bills, (of the genuineness and validity whereof the said commissioners or a majority of them are hereby declared to be judges) with such persons for other genuine bills of the same value, or shall reissue the same to such persons, with such additional devices and marks as the said commissioners shall judge most proper to prevent the counterfeiting thereof for the future.

IV. *And be it further enacted* by the authority aforesaid, That the said commissioners and the major part of them, are hereby authorized and required, when and as often as any bills shall be brought to them which they shall have reason to believe are counterfeits, to examine the persons on oath bringing in the same, from whom they received the said bills, and to issue their warrants under their hands and seals, to apprehend and bring before them all persons they shall suspect to have been guilty of making or knowingly uttering such counterfeit bills; and if on examination of such persons the said commissioners shall have reason to believe them to be guilty of or concerned in such counterfeit bills, they shall bind them over with two sufficient sureties, to appear at the next General Sessions of the peace, oyer and terminer, assize and general goal delivery, there to be dealt with according to law; and in case such suspected persons cannot find such security, then to commit them to the common goal in Charlestown, there to remain till they are discharged by due course of law; and the said commissioners are hereby authorized and required to keep and detain in their hands all such bills as they shall judge to be counterfeits, keeping an exact and particular account of the names of the persons who brought in such bills, together with the number and particular denominations thereof, until the next meeting of the General Assembly, and shall then lay them before the said General Assembly for their advice and direction therein.

V. *And be it further enacted* by the authority aforesaid, That the bills so to be given out and reissued by the said commissioners, shall be deemed, adjudged and taken to be lawful current bills of this Province; and if any person or persons whatsoever, shall hereafter presume to forge, counterfeit or utter any of the said bills so to be given out or reissued by the said commissioners, or the commissioners for the time being, or any other the current and lawful bills of this Province, (knowing the same when uttered to be false and counterfeit,) or that shall counsel, advise, procure or any ways assist in the forging, counterfeiting, imprinting, stamping or signing of any such false bill or bills, or engrave any plate, or make any other instrument to be used in making any such false and counterfeit bills, every person and persons so offending, being thereof lawfully convicted, shall be adjudged to be guilty of felony without benefit of the clergy, and shall suffer the pains of death as a felon, any law, usage or custom to the contrary notwithstanding; and the estate of the person and persons convicted (if any he, she or they shall have,) shall be first applied to make satisfaction to the person and persons injured by such counterfeit bill and bills.

VI. *And be it further enacted* by the authority aforesaid, That the said commissioners shall within three days next after the ratification of this Act, cause public notice to be given by posting the same in Charlestown,

and publishing it in the next Gazette, the several denominations aforesaid of the bills that are supposed to be counterfeited and are hereby required to be brought in, to the end that all persons possessed of such bills may have due time to bring them in; and if the said commissioners, or any of them, shall be sued or prosecuted for any matter or thing which he or they shall do or cause to be done by virtue of this Act, it shall and may be lawful for him and them to plead the general issue, and give this Act and the special matter in evidence; and in case the plaintiff or plaintiffs in such suit or action shall discontinue, become non-suit, or a verdict pass against him or them, the judges in the court in which such action shall be brought, shall tax and allow to every such defendant, his treble costs of suit, and shall cause execution for the same to be accordingly issued.

A. D. 1735.

Counterfeit denominations to be published.

VII. *And be it further enacted* by the authority aforesaid, That the said commissioners, and the commissioners for the time being, or the major part of them, shall make and print off, and duly sign, to the amount in the whole of ten thousand pounds current money in the current bills of this Province; which said sum of ten thousand pounds shall be lodged in the hands of the Public Treasurer for the time being, and shall be by him from time to time issued and exchanged for such of the current lawful bills of this Province which shall be torn, obliterated or defaced, and shall be brought to him for that purpose, and shall not be issued on any other account or pretence whatsoever; and the said Treasurer shall once every year render an account to the General Assembly, of the sums he shall yearly exchange for torn, obliterated and defaced bills or parts thereof, to the end that such torn, obliterated and defaced bills or parts thereof, may before a committee of both houses be burned or destroyed.

Commissioners to sign and issue bills to amount of £10,000.

VIII. *And be it further enacted* by the authority aforesaid, That the Honourable John Hammerton, Esq. Charles Pinckney, Othniel Beale, Roger Saunders, Gabriel Manigault, Esquires, and Mr. John Champneys, be, and are hereby nominated and appointed commissioners of this Act, and to have, use and exercise all and singular the powers and authorities therein given and granted; and in case any of the said commissioners shall happen to dye, depart this Province, or refuse to act, that then and in such case, his Honour the Lieutenant Governour, and the Governour for the time being, shall and may appoint another commissioner or commissioners in his and their room so dyeing or departing this Province, or refusing to act.

Commissioners nominated.

PAUL JENYS, *Speaker.*

In the Council Chamber, 7th June, 1735.

Assented to: THOS. BROUGHTON.

AN ORDINANCE empowering the Public Treasurer and Comptroller to appoint Deputies for Port Royal and Georgetown Winyaw.
(Passed May 16, 1736. The original not to be found.)

No. 595.

A. D. 1736.

No. 596.

AN ACT FOR ASCERTAINING PUBLIC OFFICERS' FEES.

Preamble.

FORASMUCH as all extortions, exactions and corruptions, are and ought to be odious and prohibited in all well governed places whatsoever, for prevention therefore of such evils, we humbly pray your most sacred Majesty that it may be enacted,

No fee to be taken but what is allowed by this Act.

Penalty.

I. *And be it enacted*, by the Honourable Thomas Broughton, Esquire, Lieutenant Governour, by and with the advice and consent of his Majesty's honourable Council and the Commons House of Assembly of this Province, and by the authority of the same, That no publick officer or person whatsoever shall at any time or times hereafter take or require any sum of money, fee or reward whatsoever, for any matter, business or thing belonging to his or their respective office, place, profession, or employment, mentioned in this Act, other than such and so much fees as are hereafter in the respective table of fees hereunto annexed set down, limited and appointed, in proclamation money, upon pain of the forfeiture of one shilling proclamation money for every penny proclamation money he or they shall take and receive for any business, matter or thing relating to his or their office or offices, more than by this Act are set down, limited and appointed; any law, statute or usage to the contrary thereof in any wise notwithstanding; the one moiety of which said forfeiture shall be to his Majesty, for the use of the poor of the parish of St. Philip's Charles-town, to be paid to the churchwardens thereof, and the other moiety to the party grieved, or to him or them who will inform and sue for the same, within three months after the receipt of such money or thing; all which forfeitures, under twenty pounds current money of this Province, shall be sued for and recovered before any one Justice of the Peace within their respective counties, as is directed in and by the Act for the trial of small and mean causes; and all forfeitures above twenty pounds current money of this Province, shall be sued for and recovered by action of debt, or by original writ, bill, plaint or information, in any of the courts of record within this Province, wherein no wager of law, essoign, privilege, protection or any other delay, shall be allowed or admitted.

The table of fees to be put up in the several offices.

II. *And be it further enacted* by the authority aforesaid, That every publick officer or other person entitled to any of the fees mentioned in the table hereunto annexed, shall, within twenty days after the ratification of this Act, set up and constantly keep a fair table of the respective fees belonging to his or their respective office, written in a fair and legible hand, and the words at full length, without any abbreviation, and fix up the same in the most publick place of view, in such place as they usually execute the said office, upon the pain of the forfeiture of five pounds current money of this Province for every day they shall neglect to set up the same as aforesaid; the said forfeitures to be to the same use, and payable to the same persons, and recovered in the same manner, as the forfeitures before by this Act are given, ordained and appointed.

THE GOVERNOUR—HIS FEES.

For every grant of land, signed or to be signed, for five hundred acres or under, ten shillings.

For every grant for more than five hundred acres, one pound.

For signing the dispatch of every vessel, six shillings and three pence.

For signing a testimonial and seal, ten shillings.

A. D. 1736.



- For signing a marriage lycense, ten shillings.
- For signing letters of administration, eight shillings.
- For signing a warrant of appraisment, four shillings.
- For signing the probate of a will, five shillings.
- For signing letters of guardianship, eight shillings.
- For signing a warrant for land, two shillings and six pence.
- For signing a certificate or register for a ship or vessel under thirty tuns, by the rule of the late Act of navigation, five shillings.
- For all above thirty tuns, ten shillings.
- For signing a certificate for persons capable of contracting debts, two shillings and six pence.
- For any commission for a place of profit, two pounds.
- To the Governour's private secretary for the same, five shillings.

THE CHANCELLOR—HIS FEES.

- For sealing a subpoena, attachment, habeas corpus, alias, pluries, &c. and all other writs, except injunctions, three shillings.
- For signing and sealing an injunction to stop suits at law or to stay waste, eight shillings.
- For signing a decree in chancery, fourteen shillings.
- For every order on motion or petition, four shillings.
- For signing an exemplification of a decree and seal thereto, fourteen shillings.
- For admission of an infant to appear by guardian, two shillings and six pence.
- For hearing and determining every cause, two pounds.

THE MASTER IN CHANCERY'S FEES.

- For every summons, two shillings and six pence.
- For copys of charges and discharges brought before the master, each side containing fifteen lines and six words in a line, seven pence half penny.
- For every report made in pursuance of an order of court, fifteen shillings.
- For taking affidavits in writing, two shillings.
- For every other affidavit, one shilling.
- For all accounts referred to him for examination or settling, to be allowed for at the discretion of the Court of Chancery.
- For copys of depositions and all other papers, &c. taken before him, each sheet as supra, seven pence half-penny.
- For taxing a bill of costs, five shillings.

THE EXAMINER AND REGISTER IN CHANCERY—THEIR FEES.

- For drawing and entering all orders of Court, by the copy sheet, seven pence half-penny.
- For examining every witness and drawing depositions, by the copy sheet, seven pence half-penny.
- For entry of all depositions, affidavits, interrogatorys, decrees, and for drawing decrees, each copy-sheet, seven pence half-penny.
- For entering a cause for hearing, one shilling and three pence.
- For entering all decrees at large, each copy sheet, seven pence half-penny.
- For drawing and signing every subpoena, capias, attachment, habeas corpus, &c. two shillings and three pence.
- For every injunction, four shillings.
- For filing every bill, answer, demurrer, replication, &c. six pence.
- For copying all bills, answers, demurrers, replications, rejoinders, &c. each copy sheet, seven pence half-penny.
- For every warrant of commitment, two shillings and six pence.
- For fyling every petition or affidavit, six pence.
- For drawing every recognizance, two shillings and six pence.
- For drawing an exemplification of the proceedings in any cause, each copy sheet seven pence half-penny.

THE SECRETARY—HIS FEES.

- For a warrant for land, two shillings and six pence.
- For fyling the fiat, one shilling.
- For a grant for land, and preparing the wax, and affixing the same for the seal, if five hundred acres or under, ten shillings.
- For ditto, if above five hundred acres, fifteen shillings.

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- For a bond, two shillings and six pence.
- For letters of administration and bond, eight shillings.
- For writing the probate of a will, four shillings.
- For a warrant of appraisement, two shillings and six pence.
- For the copy of a will, each copy sheet, seven pence half-penny.
- For letters of guardianship, eight shillings.
- For the bond of every ship or vessel, inwards, two shillings and six pence.
- For the dispatch of every ship or vessel, three shillings.
- For a caveat, two shillings and six pence.
- For writing a ticket for them to go off that are able to contract debts, two shillings.
- For every underwritten bond, two shillings and six pence.
- For an underwriting, seven pence half-penny.
- For a testimonial, and the seal to every testimonial, seven shillings and six pence.
- For a certificate or register for a ship or vessel under thirty tons and registering the same, four shillings.
- For all above thirty tons, seven shillings and six pence.
- For every search, one shilling.
- For recording a will or any other writing, by the copy sheet, seven pence half-penny.
- For militia, patrol and other commissions, each six shillings.

THE PUBLIC REGISTER—HIS FEES.

- For registering any conveyance, grant, lease, letter of attorney, bond or other writing, by the copy sheet, seven pence half-penny.
- For cops of any deeds, &c. registered in the office, by the copy sheet, seven pence half penny.

- For every search, one shilling.
- For entering satisfaction on each mortgage, two shillings and six pence.
- For a certificate at the request of the party, two shillings.

THE JUDGE OF THE COURT OF COMMON PLEAS—HIS FEES.

- For every writ of capias, subpoena or other writ or process and return, two shillings and six pence.
- For entering satisfaction, one shilling.
- For entering an action in the judge's book that goes to the jury, five shillings.
- For taxing a bill of costs, three shillings and four pence.
- For drawing a special jury, five shillings.
- For every special court and all attendances thereon, one pound.
- For every order of court, one shilling.
- For bail taken before the judge, five shillings.
- For the admission of any person to be an attorney of the courts, four pounds.
- For every judgement confessed at large out of court, nine shillings.
- For signing a testimonial of a woman's examination and renouncing her right of dower or inheritance, ten shillings.
- For every affidavit drawn at large, two shillings and six pence.
- For examination of witnesses out of court, each, five shillings.
- For every other affidavit, one shilling.
- For every special warrant under the hand of the chief justice and the seal of the court, two shillings and six pence.
- For every judgement at large, two shillings and six pence.
- The same fees in the county courts, except the first writ.

THE JUDGE OF THE ADMIRALTY—HIS FEES.

- For a warrant of arrest and each other warrant, two shillings.
- For the return thereof, one shilling.
- For admitting the libel, two shillings.
- For citation of witnesses, one shilling and three pence.
- For examining the witnesses, each, two shillings.
- For administering an oath, one shilling.
- For every order entered and signed by the judge, one shilling.
- For every interlocutory decree, one shilling.
- For definitive sentence, ten shillings.

THE REGISTER OF THE ADMIRALTY—HIS FEES.

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- For every warrant, two shillings.
- For fying every paper and instrument exhibited in court, one shilling.
- For every citation, one shilling.
- For every witness sworn, one shilling.
- For reading every libel and answer, each, two shillings and six pence.
- For every copy of the proceedings in the court, each copy sheet containing ninety words, seven pence half-penny.
- For entering every order, nine pence.
- For every final sentence, five shillings.
- For entering motions in court, six pence.
- For interrogatorys and answers, per information, each witness interrogated, two shillings and six pence.
- To entering the return of every warrant, citation, &c. seven pence half-penny.
- To copy of an appraisement with the schedule, five shillings.
- To notification of sale, one shilling and three pence.
- To exemplification of every cause, by the copy sheet, seven pence half-penny.
- To reading the marshal's return of every writ, summons, &c. seven pence half-penny.
- To drawing and engrossing testimonials signed by the judge, to be affixed to exemplifications, &c. one shilling and three pence.

THE ADVOCATE GENERAL—HIS FEES.

- For his retaining fee, one pound.
- For taking out the warrant of arrest, five shillings.
- For drawing and engrossing every libel, answer, allegation, petition, interrogatory or other instrument exhibited in court, by the copy sheet, seven pence half-penny.
- For abbreviating every copy sheet of instruments exhibited by the adverse party, seven pence half-penny.
- For every motion made in court, two shillings and six pence.
- To his fees on arguing any matter of law, ten shillings.
- For taking out each citation for witnesses, one shilling and three pence.
- For his fees on examination of witnesses in ordinary cases, for each witness, one shilling and three pence.
- The Proctor's fees in the Admiralty Court, to be the same as the Advocate General's, except the retaining fee, which is to be but ten shillings, and on arguing any matter of law, the fee to be but five shillings.

THE MARSHAL OF THE ADMIRALTY—HIS FEES.

- For serving every warrant on land, two shillings and six pence.
- For ditto on the water, eight shillings.
- For each day keeping a vessel in his custody, five shillings.
- For serving each citation, one shilling and three pence.
- On selling vessels or goods and paying the money, five pounds per centum.

SOLICITORS IN CHANCERY—THEIR FEES.

- For a retaining fee, one pound.
- For every attendance on the court when any business is done, five shillings.
- Court fee when any business is done, ten shillings.
- For drawing, fair-copying or engrossing every bill, answer, plea, demurrer, replication, &c. per copy sheet, containing ninety words, seven pence half-penny.
- Signing thereof, five shillings.
- For every motion in court or defending the same, five shillings.
- For a brief or abstract of the proceedings, each sheet of such proceedings, seven pence half-penny.
- For every brief, ten shillings.
- For a fee upon every writ, five shillings.
- Pleading fee upon every final hearing or arguing demurrer, one pound.
- Drawing a bill of costs and attending the taxation thereof, ten shillings.
- Attending the master upon every reference to him by order of court, ten shillings.
- Drawing every decree, each copy sheet, seven pence half-penny.

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ATTORNEYS OF THE COURT OF COMMON PLEAS—THEIR FEES.

- For a retaining fee, ten shillings.
- For drawing and engrossing a declaration, four shillings.
- For a copy of the declaration, one shilling.
- For the warrant of attorney, one shilling.
- For drawing a plea, replication, rejoinder, demurrer, &c. five shillings.
- For a fee upon trial, executing a writ of enquiry, writ of waste, &c. five shillings.
- For a fee on ending every cause, two shillings and six pence.
- For attending the judge on taxing the cost, two shillings and six pence.
- For drawing and engrossing an execution and attending the judge to sign it, five shillings.
- For drawing the copy of a Bond, or other writing declared upon, two shillings and six pence.
- For attending the Judge, to take depositions of sick persons, or such as are departing this Settlement, five shillings.
- To the attorney to pay the Jury in every cause tried, five shillings.
- For filling up every writ, two shillings and six pence.
- For a brief in every cause, five shillings.
- For signing a declaration, plea, replication, demurrer, joinder in demurrer, &c. two shillings.
- For a pleading fee, in every cause tried by a jury or argued on demurrer, ten shillings.
- For attending the Judge at his chambers to make a motion, two shillings and six pence.
- For every other motion in Court, one shilling.
- For drawing a satisfaction to be acknowledged in Court, four shillings and six pence.
- For signing and acknowledging the same, two shillings.
- For drawing every judgement at large, two shillings and six pence.
- For a fee in every cause not exceeding two Courts, each Court, five shillings.
- For a fee on every rule to plead, one shilling.
- For attending the Judge out of Court to acknowledge judgement or satisfaction, four shillings.

The attorneys fees in the County Courts, the same as above.

THE CLERK OF THE COURT OF COMMON PLEAS—HIS FEES.

- For writing every writ, one shilling.
- For fying a declaration, plea, replication, demurrer, joinder in demurrer, &c. nine pence.
- For copying a declaration or other writing, each copy sheet, seven pence half penny.
- For entering every order of Court and copy, seven pence half penny.
- For reading a bond, deed or power of attorney, seven pence half penny.
- For every search in the records, seven pence half penny.
- For signing any judgement at large, two shillings and six pence.
- For attending drawing a jury at a special Court, five shillings.
- For each day's attendance at a special Court, five shillings.
- For drawing a recognizance and attending on taking every special bail, two shillings and six pence.
- For recording every writing by the copy sheet, seven pence half penny.
- For receiving money into Court and paying it out again, one pound and an half per cent.
- The Clerk of the County Courts, his fees the same as the Clerk of the Court of Common Pleas and Clerk of the Crown.

THE MARSHAL OF THE COURT OF COMMON PLEAS—HIS FEES.

- For summoning a special jury, ten shillings.
- For serving every writ, six shillings.
- For returning the same, one shilling and six pence.
- For drawing a bail bond, two shillings.
- For going by land or water to serve a writ, each mile from Charlestown to the persons residence only, and not for returning, per mile, two pence half penny.
- For summoning the jury and returning the venire in each cause tried, one shilling.
- For calling each action, four pence.
- For serving a subpoena or rule of Court, one shilling.
- For an execution on the body or goods, if not above one hundred pounds proclamation money, twelve pence per pound, if above one hundred pounds proclamation money, for each pound above, six pence,

For diet of white persons in prison per diem, allowing one pound of bread and one pound of flesh, all wholesome provision, one shilling and three pence. A. D. 1736.

For the copy of a commitment, one shilling.

For waiting on a person on a habeas corpus, each day, five shillings.

For each person presented and prosecuted, two shillings.

For each person acquitted by proclamation, one shilling.

THE PROVOST MARSHAL—HIS FEES.

For serving an order of Council on shore in criminal matters and not otherwise, five shillings.

For the commitment of any person, two shillings.

For going by water each mile, but nothing for returning, three pence.

THE REGISTER OF BIRTHS AND MARRIAGES—HIS FEES.

For registering any birth or marriage, one shilling and three pence.

For searching the registry, one shilling and three pence.

For every copy of the register and certificate, two shillings and six pence.

THE CHIEF JUSTICE—HIS FEES AT THE SESSIONS.

For every recognizance taken before him, five shillings.

For every indictment found *billa vera*, four shillings.

For every writ, two shillings and six pence.

For every order of Court, two shillings.

For every warrant under the Judge's hand, four shillings.

For taxing a bill of costs, two shillings and six pence.

THE ATTORNEY GENERAL—HIS FEES.

For his report to the Governour in each private case referred to him by the Governour and Council, ten shillings.

For drawing every *capias* against persons indicted and not bound over, or against persons presented by the Grand Jury or Constables, five shillings.

For every recognizance, five shillings.

For a retaining fee against a person indicted where the bill is found, one pound.

For drawing every indictment found by the Grand Jury, ten shillings.

For his brief, ten shillings.

For every person acquitted by proclamation, two shillings and six pence.

For entering a *Noli Prosequi*, one pound.

For attending at the Judges Chambers, to take the affidavit of any person, five shillings.

For drawing every affidavit, each copy sheet, seven pence half penny.

For arguing a demurrer, exceptions, or any motion or arrest of judgement, each day, one pound.

For an affidavit to a petition for land, two shillings and six pence.

For every fiat for grants for lands, (Township lands for new comers excepted) on keeping a record thereof, ten shillings.

THE CLERK OF THE CROWN AND CLERK OF THE PEACE—HIS FEES.

For reading a petition or other writing, seven pence half-penny.

For entering an order, and a copy of an order, by the copy sheet each, seven pence half-penny.

For a bond, two shillings.

For a commitment, one shilling.

For filing a petition or any other paper, six pence.

For drawing any warrant, two shillings and six pence.

For an order to keep a bastard child, two shillings and six pence.

For a writ of restitution, two shillings.

For every man arraigned, four shillings.

For every indictment, one shilling.

For a traverse or release, or any one acquitted by proclamation, two shillings.

For writing a recognizance, by the copy sheet, seven pence half penny.

For every subpoena, one shilling.

For the copy of an indictment, seven pence half-penny.

For writing the presentment of a Constable, seven pence half-penny.

For every cause entered in the kalendar, one shilling,

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For recording the proceedings of a cause, each copy sheet, seven pence half-penny.
 For every certificate of a Coroner having returned an inquisition into Court, nine pence.
 For swearing every evidence, seven pence half-penny.
 In County Court causes, the Clerks to have the same fees as above. In causes relating to Executors, Administrators or Orphans Courts, the same as the Register in Chancery.

THE SURVEYOR GENERAL'S FEES are already regulated by a law for that purpose.

THE CLERK OF THE CHURCH OF ENGLAND—HIS FEES.

For the use of the Pall, two shillings and six pence.
 For attendance at funerals, two shillings.
 For the ground of each grave, three shillings.
 For attendance at every marriage, two shillings and six pence.

THE SEXTON—HIS FEES.

For digging the grave, three shillings.
 For ringing the bell, two shillings and six pence.

THE JUDGE'S FEES IN THE COURT OF ORPHANS IN THE COUNTY COURTS.

For the sealing every subpoena and other process, two shillings.
 For a writ of injunction to stay waste, eight shillings.
 For hearing every cause, eight shillings.
 For signing and sealing every decree, eight shillings.
 For the admission of an infant to appear by guardian, two shillings and six pence.
 For every order on motion or petition, two shillings and six pence.
 For hearing every other cause on administration, contested or otherwise, eight shillings.
 For signing and sealing every exemplification, eight shillings.

THE COLLECTOR OF THE KING'S CUSTOMS—HIS FEES.

For entering inwards and clearing outwards every vessel of sixty tuns and upwards, with general permits to load and unload, six shillings.
 For ditto under sixty tuns and above twenty, four shillings.
 For ditto of every vessel bound inward to and outward from this Province of twenty tuns and under, with permit to load and unload, two shillings and six pence.
 For every new register of a vessel of sixty tuns and upwards, eight shillings.
 For ditto of a vessel under sixty tuns, four shillings.
 For granting every certificate of Naval stores, or for a certificate for cancelling a bond or cocket for shipping of goods, two shillings.
 For every bill of stores, two shillings and six pence.
 For endorsing the register of every vessel, two shillings.
 For registering the names and descriptions of the men, two shillings and six pence.

THE NAVAL OFFICER—HIS FEES.

For entering and clearing outwards every vessel of sixty tuns and upwards, six shillings.
 For ditto under sixty tuns and more than twenty tuns, four shillings.
 For ditto of twenty tuns and under, two shillings and six pence.
 For every bond for enumerated commoditys, two shillings.
 For granting every certificate or cocket, two shillings.
 For granting a certificate to cancel a bond given for enumerated commoditys, two shillings and six pence.

THE FEES OF THE SURVEYOR AND COMPTROLLER OF THE KING'S CUSTOMS.

For entering and clearing of every vessel, four shillings.
 For sight of every certificate and examining the same, one shilling.

THE SEARCHER—HIS FEES.

For clearing every vessel, four shillings.
 For every endorsement on a cocket, one shilling.

THE REGISTER OF THE COURT OF ADMIRALTY FOR THE TRYAL OF PYRATES.

For the motion, one shilling.
 For every warrant for apprehending, two shillings and six pence.

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- For his examination in writing, by the copy sheet, seven pence half-penny.
- To examining informers, each copy sheet, seven pence half-penny.
- To an order thereon, seven pence half-penny.
- To commitments or mittimus, one shilling.
- To attendance at Court, each day, two shillings and six pence.
- To every oath in Court, seven pence half-penny.
- To summonses for witnesses, each, one shilling.
- To every recognizance, two shillings and six pence.
- To reading the commission of piracy, one shilling.
- To reading articles of accusation, one shilling.
- To interrogatories and answers for the King, each copy sheet, seven pence half-penny.
- To ditto for the party, seven pence half-penny.
- To entering the prisoner's defence, what he hath to say, by the copy sheet, seven pence half-penny.
- To entering the votes of the judge, one shilling.
- To drawing the sentence, seven pence half-penny.
- To warrant of execution, two shillings and six pence.

THE MARSHAL OF THE ADMIRALTY'S FEES ON THE TRYAL OF PYRATES.

- For each day's attendance, five shillings.
- For the execution of each criminal, one pound.
- For commitment, two shillings and six pence.
- For releasement, five shillings.
- For diet per diem, one shilling and three pence.

THE CLERK OF THE COUNCIL—HIS FEES.

- To drawing a petition, if drawn by the Clerk and read in Council, two shillings and six pence.
- Reading a petition, two shillings and six pence.
- Copy of any other paper, by the copy sheet, seven pence half-penny.
- Copy of orders on petition, two shillings.
- To a citation or summons, each, one shilling.
- For recording any paper, by the copy sheet, seven pence half-penny.
- For every oath in Council, one shilling.
- For the rough draught of all instruments, by the copy sheet, seven pence half-penny.
- For attending, entering minutes, and all other services not particularly mentioned, on hearing of Caveats, entering the determination on each, and copy to the party, ten shillings.
- For every motion and order thereon, where there is no determination, two shillings.
- For filing and counter-signing and entering all grants signed in Council, one shilling.

THE CLERK OF THE COUNCIL IN ASSEMBLY—HIS FEES.

- To writing a petition if drawn by the Clerk of the Council, two shillings and six pence.
- To reading a petition, two shillings and six pence.
- To an order thereon, one shilling.
- To reading a private bill, each time, two shillings and six pence.
- To passing a private bill, five shillings.
- To copying the same, by the copy sheet, seven pence half-penny.
- To a warrant of contempt, ten shillings.
- To a releasement therefrom, five shillings.
- To every order on the Treasurer for money, one shilling.

THE MESSENGER OF THE COUNCIL—HIS FEES.

- For every private petition, one shilling and six pence.
- For attending on the hearing of all Caveats, two shillings and six-pence.

THE COMMANDER OF JOHNSON'S FORT—HIS FEES.

- For every ship passing and repassing the said fort, four shillings.
- For every brigantine, bellunder or snow, three shillings.
- For every sloop or schooner, two shillings.

THE JUSTICES OF THE PEACE—THEIR FEES.

- For taking a deposition, one shilling.

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Warrant, one shilling.
 Recognizance, one shilling and six pence.
 Commitment of a white person, one shilling.
 Liberate for a white person, one shilling.
 Probate of any writing, one shilling.
 Hearing a cause and giving judgement, one shilling.
 Execution, one shilling.
 Swearing appraisers and certifying the same, for the whole, one shilling.

THE CONSTABLES—THEIR FEES.

Serving a warrant or summons in Charlestown, six pence.
 Ditto out of Charlestown, one shilling.
 Execution, one shilling.
 Poundage, per pound, two pence.
 Mileage, from the constable's house to that of the defendant, per mile, three pence.

THE PUBLIC NOTARY—HIS FEES.

For every protest, sixteen shillings.
 For duplicate of a protest, eight shillings.
 For taking affidavits, two shillings and six pence.
 For attending any person to prove any matter or thing as Notary Public, four shillings.

THE COUNTRY COMPTROLLER—HIS FEES.

For every manifest, one shilling.
 For every entry on goods imported, one shilling.
 On every entry for Georgia duty, one shilling.
 On every entry on the fund for building fortifications, one shilling.
 On every entry of skins exported, one shilling.
 On every entry of leather exported, one shilling.
 For every drawback, upwards than twenty pounds, two shillings.
 For all under twenty pounds, one shilling.

THE PUBLIC TREASURER—HIS FEES.

For every entry of goods inwards, six pence.
 For every entry of goods for the use of fortifications, six pence.
 For every entry of Rum for the use of Georgia, six pence.
 For every entry of Negroes, two shillings.
 For every entry of deer skins outwards, one shilling.
 For every entry of seal leather outwards, one shilling.
 For any drawback, one shilling.
 For every clearance of vessels and manifest, two shillings.
 For every bond and license for retailing liquors, four shillings.

THE POWDER RECEIVER—HIS FEES.

For every vessel clearing outwards, one shilling and six pence.
 For every hundred pounds weight of Powder lodged in the Magazine by any person whatsoever, either from his Majesty's ships or any merchant's ships, one shilling.

III. And to prevent vexatious and frivolous arrests in the Court of vice-Admiralty within this Province, *Be it further enacted* by the authority aforesaid, That no warrant or process shall be issued against any Captain or Commander of any ship or vessel, for any sum or sums, due or pretended to be due to any mariner or mariners for wages, until an affidavit or affidavits shall be made and fyled with the proper officer or officers of the said Court, by the mariner or mariners applying for such warrant or warrants, that there is due to him or them respectively, the sum of twenty shillings sterling money; and for all sums under twenty shillings sterling, the causes shall be heard and determined by justices of the peace, in the same manner as other small debts are by the Act for the trial of small and mean causes; any law, usage or custom, to the contrary thereof in any wise notwithstanding.

IV. *And be it further enacted* by the authority aforesaid, That if any custom-house officer or other publick officer who hath any fee or fees annexed to his office by virtue of this Act, shall wilfully delay or defer entering or clearing any ship or vessel, or dispatching any merchant, master or commander in his course, or illegally delay or defer the business of his or their respective office or offices, such officer or officers so offending, shall be lyable to pay to the party injured, the sum of twenty pounds current money, and double damages, to be recovered by warrant, from any two justices of the peace, on the oath of two or more credible witnesses.

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V. *And be it further enacted* by the authority aforesaid, That all publick officers, whether of his Majesty's customs or otherwise, shall be obliged by themselves or sufficient deputys, to attend at their respective offices, from nine to twelve in the morning throughout the year, Sundays and holidays excepted, and from two to four in the afternoon, excepting as aforesaid, to do the business of their respective offices, from the first day of November to the last day of May.

VI. And whereas, the foregoing fees are computed in proclamation money, which is not at present the current money of this Province, *Be it enacted* by the authority aforesaid, That the foregoing respective fees shall be paid in the current bills of this Province, at four hundred per cent. advance, that is to say, for every shilling proclamation money, five shillings of the present currency, and so in proportion for any greater or less sum, and shall and may be taken by the respective officers before mentioned, and no more, until the General Assembly shall think fit to alter the same by an Ordinance, upon the rise or fall of the exchange.

VII. *And be it further enacted* by the authority aforesaid, That this Act, and every clause, matter and thing herein contained, do remain and continue in force for three years, and from thence to the end of the next session of the General Assembly, and no longer.

PAUL JENYS, *Speaker*.

In the Council Chamber, the 29th of May, 1736.

Assented to: THOS. BROUGHTON.

AN ACT FOR STAMPING, EMITTING AND MAKING CURRENT THE SUM OF TWO HUNDRED AND TEN THOUSAND POUNDS IN PAPER BILLS OF CREDIT, AND FOR ASCERTAINING AND PRESERVING THE FUTURE VALUE THEREOF, TO BE LET OUT AT INTEREST, ON GOOD SECURITIES, AT EIGHT POUNDS PER CENTUM PER ANNUM, AND FOR APPLYING THE SAID INTEREST TO THE PURPOSES HEREINAFTER MENTIONED; AND FOR EXCHANGING THE PAPER BILLS OF CREDIT IN THIS PROVINCE, AND MAKING THEM LESS SUBJECT TO BE COUNTERFEITED; AND ALSO TO ENCOURAGE THE IMPORTATION OF SILVER AND GOLD COIN INTO THIS PROVINCE.

No. 597.

FORASMUCH as it is absolutely necessary that in all countries and places wherein is carried on any considerable trade and commerce, there should be a sufficient currency or medium of trade therein, for the better negotiating thereof; and whereas, through the great want of other currency, it has been found necessary for thirty years past to stamp and emit

Preamble.

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paper bills of credit in this Province, for the better support of the Government, as well as for a medium of trade therein, and for carrying on the commerce thereof, and which by long experience have been found to answer the ends aforesaid; and whereas, the trade of this Province hath for these twelve years last past been very greatly increasing, insomuch that the sum in paper bills of credit, which so many years ago was sufficient to answer all the exigencies and demands in trade, is now altogether insufficient for that purpose, by reason whereof, and the extreme scarcity of money, the trade of this Province becomes greatly obstructed, the affairs of the Government very much hindered, and the payment of debts retarded, and in great measure rendered impracticable; for remedy whereof, and for the better support of the Government, and that a medium in commerce may be by law established in this Province, and made current, by being put on a sure, equitable and lasting foundation, we humbly pray your most sacred Majesty that it may be enacted,

I. *And be it enacted*, by the Honourable Thomas Broughton, Esq. his Majesty's Lieutenant Governour and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council, and the Commons House of Assembly of this Province, and by the authority of the same, That from and immediately after the confirmation or approbation of this Act by his most sacred Majesty, there shall be imprinted, stamped, signed and issued by the commissioners in this Act nominated and appointed, the sum of two hundred and ten thousand pounds in paper bills of credit in this Province, which is about equal to the sum of thirty thousand pounds sterling money of Great Britain, and which said bills shall bear the denomination from five shillings bills to twenty pound bills inclusive, and not bear either a higher or lower denomination; and when the said sum of two hundred and ten thousand pounds in paper bills of credit shall be imprinted, stamped, signed and issued, according to the directions of this Act, the same shall be, and they are hereby declared and enacted to be, to all intents, constructions and purposes whatsoever, the lawful and current money of this Province of South Carolina, and as such shall be taken, paid and received, in all payments whatsoever, in discharge of all and all manner of debts whatsoever, due or hereafter to be due, owing or payable in this Province; any law, statute, usage or custom to the contrary in any wise notwithstanding.

II. *And the better to prevent the counterfeiting the said bills, Be it further enacted* by the authority aforesaid, That the said bills shall be indented, and shall be stamped or otherwise marked with such stamps, marks and devices as the Governour or Commander-in-chief of this Province for the time being shall direct, appoint or approve, and shall be signed and numbered by the said commissioners, and shall be of the tenor following, that is to say,

"SOUTH CAROLINA.

No.

TWENTY SHILLINGS.

"*This indented Bill of Credit, due from His Majesty's Province of South Carolina, shall pass current in all payments to the Public Treasurer, and all others, for Twenty Shillings lawful money of South Carolina, according to law.*" 173 "

and so *mutatis mutandis* for a greater or lesser sum.

III. *And be it further enacted* by the authority aforesaid, That the said commissioners shall be also trustees for lending out the said bills of credit, or silver or gold, and taking and receiving all securities for the bills or silver or gold, so lent, for the uses and according to the directions of

There shall be stamped and emitted bills to the amount of £210,000, equal to £30,000 sterling.

Which shall be deemed lawful and current money.

Tenor of the bills.

this Act, hereinafter mentioned, limited and appointed, concerning the same, and shall be styled and named the Trustees of the General Loan Office of the Province of South Carolina, and by that name shall have succession during the continuance of this Act; and by the same name shall be able and capable in law to receive, take, hold, enjoy and retain to them and their successors in the said trust, all such lands, tenements, rents and hereditaments as shall be granted them in mortgage, for securing the repayment of such sums of money as they shall from time to time lend and issue in the said bills of credit or silver or gold; and also to sell, grant, alien and dispose of the same, in default of payment, as in and by this Act is provided and directed in those cases; and by the same name to sue and implead, be sued and impleaded, answer and be answered unto, in all cases relating to the said trust, in all courts and other places whatsoever; and by the name aforesaid to do and execute all other matters and things that to them shall or may appertain to do and perform pursuant to this Act, subject to the provisoes, restrictions and limitations herein expressed. And for the better and more due performance of the said trust, the said trustees shall, before they enter on the execution of their said office, take the following oath, before the Governour or Commander-in-chief of this Province for the time being, viz: "I, A B, do solemnly and sincerely swear that I will, according to the best of my skill and knowledge, faithfully, impartially and truly demean myself in the discharge of the trust committed to me in and by the Act of General Assembly of this Province for stamping, emitting and making current the sum of two hundred and ten thousand pounds in paper bills of credit, &c., according to the purport and tenor of the said Act—So help me God."

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The commissioners to be also Commissioners of loans.

Oath to be taken.

IV. *And be it further enacted* by the authority aforesaid, That the said trustees, when the said bills of credit hereby directed to be stamped and issued are finished, shall exchange one hundred thousand pounds in the said bills for the like sum of one hundred thousand pounds of the present paper bills, that all the bills of credit of this Province may as soon as conveniently they can be brought and put upon one and the same foundation; and the remaining sum of one hundred and ten thousand pounds in the bills of credit to be imprinted, signed and stamped by virtue of this Act, the said trustees shall lend out at interest, at the rate of eight pounds per centum per annum, to such of the inhabitants of this Province as shall be desirous to take up the same, on giving land or other sufficient security to the said trustees in manner directed; provided always, that no greater sum than one thousand pounds in the said bills of credit, nor a less than one hundred pounds, shall be lent to any one person.

To exchange £100,000 of the present for the same amount of former bills.

V. *And for the better supporting and maintaintng the credit of the said bills, Be it further enacted* by the authority aforesaid, That the said trustees before they accept or take any lands, houses, tenements or hereditaments in mortgage for any of the said bills, silver or gold, shall inform themselves of the real value of the said lands, houses, tenements and hereditaments, and also of the title thereto, so as to be satisfied that the persons offering the same in mortgage have a good and perfect estate in fee simple therein, freed and discharged from all incumbrances; and the sum in the said bills, silver or gold, which the said trustees shall lend as aforesaid on such mortgage, shall not be more than one half of the value of the premises mortgaged; and which said mortgage, when the same is duly executed in the presence of two credible witnesses and acknowledged before and attested by any one of his Majesty's justices of the peace, the same shall be registered or recorded in the public register's office of this Province, any law or usage to the contrary in any wise notwithstanding.

To enquire into the value of lands offered in mortgage.

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Import of words
in the mortgage
deed.

VI. *And be it further enacted* by the authority aforesaid, That to prevent, as much as may be, charge and expence to the borrowers of the said bills of credit, silver or gold, to be lent out by virtue of this Act, the said deeds of mortgage shall be drawn and made in a short, concise and substantial form; and when the same or any of them are executed and acknowledged, or proved as by this Act is directed, shall transfer the said houses, lands, tenements and hereditaments thereby granted to the said trustees, and vest the inheritance thereof in them and their successors, trustees for the time being, as fully and effectually as any deeds of feoffment, with livery and seizin, or deeds enrolled, in any of his Majesty's courts at Westminster, may or can do, subject nevertheless to be vacated according to the provisos or agreements therein expressed, in all which deeds of mortgage the words "grant, bargain and sell," shall amount to, and be construed and adjudged, in all courts of judicature in this Province, to be express covenants to the said trustees, their successors, trustees for the time being, and assigns, from the bargainer or mortgagor, for himself, his heirs, executors, and administrators, that the mortgagor was, at the time of the execution of such deed, seized of the hereditaments and premises thereby granted, of an indefeazible estate of inheritance in fee simple, free from all and all manner of incumbrances whatsoever, (the quit rents only excepted,) and for the said trustees and their assigns quiet enjoyment thereof, against all and all manner of persons whatsoever; and also for further assurances to be made of such premises by the said mortgagor and his heirs, as the said trustees and the trustees for the time being shall require, as fully and amply to all intents and constructions whatsoever, as if those covenants at large were expressly set down and contained in such deed of mortgage; and the said trustees and their successors, trustees for the time being, shall and may, in any action to be brought by them, assign breaches thereupon, in such and the same manner as they might or could do if such covenants had been expressly and at large inserted in such deeds; any law or usage to the contrary in any wise notwithstanding. And after the said mortgages are enrolled as aforesaid, the interest thereon respectively shall be duly and punctually paid to the said trustees, on the days and times whereon the same by the respective mortgages ought to be paid, in Spanish or English silver coin, at the rate of one pound seventeen shillings and six pence current money per ounce, or in gold at twenty-seven pounds current money per ounce; and shall be applied by the said trustees to the uses and purposes by this Act herein after mentioned and directed.

Interest how to
be paid.

10 per cent. to
be allowed for
payments in
coin.

VII. And to encourage the bringing of silver and gold coin into this Province, *Be it further enacted* by the authority aforesaid, That the public treasurer is hereby directed and required to discount or allow 10 per cent. on duties inward, which may be paid into the treasury in silver or gold, at the rates aforesaid. And in order to prevent a deficiency in any of the public funds, by receiving silver or gold as aforesaid, the public treasurer shall dispose of the said silver or gold for paper bills, in the best manner he can; and in case there should nevertheless arise any deficiency, an account thereof shall from time to time be laid before the General Assembly, to be provided for.

Five eighths of
the coin receiv-
ed to be again
put out to
interest.

VIII. And whereas, the bills of credit now extant is a debt owing by the public, which ought to be paid off and discharged, and that hereafter all the paper currency in this Province may be on one and the same foundation of a public loan, the principal to be land or other good security, and the interest constantly paid, in silver or gold, as aforesaid, by means whereof the mutation or depreciating in value of the bills of credit to be

issued as aforesaid will be effectually prevented, and the evil heretofore justly complained of, happily remedied: *Be it further enacted* by the authority aforesaid, That five-eighth parts of the silver and gold which shall be paid as interest into the hands of the trustees, shall by them be annually put out on interest, at the rates or value aforesaid, until the whole principal out on bonds secured as aforesaid, shall amount unto the sum of two hundred and ten thousand pounds, at which time the said debt of one hundred thousand pounds will be entirely paid off and discharged; and after which time the said five-eighths shall be applied in such manner as the General Assembly shall direct; and other two-eighths of the said interest shall be annually applied, for the space of twelve years, for the further subsisting poor Protestants who shall arrive in this Province and settle in the new townships; and the other remaining one eighth of the interest shall be applied for paying the commissioners or trustees appointed by this Act, for signing, exchanging and putting out to interest the bills of credit, silver or gold, as aforesaid.

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Disposition of
the other 3-8ths.

IX. And for the better carrying on the purposes intended by this Act, and the due execution thereof, *Be it further enacted* by the authority aforesaid, that there shall be kept in Charlestown, by the said trustees, an office, for the transacting the affairs and business required to be done and performed in and by this Act; at which said office the said trustees, or any three of them, shall attend on every Tuesday and Wednesday in every week, during the term of one year after the confirmation of this Act; and after the expiration of the said year, the attendance of the said trustees at the said office shall be at such convenient times as the said trustees shall in their discretion think fit and appoint for the execution of the trust reposed in them by this Act. And for the better ease and conveniency of the said trustees, they are hereby allowed and enabled to choose and appoint a fit person to serve them in the office of clerk, during the continuance of their trust, or any shorter time, and the same to remove if they shall see occasion, and appoint another in his room.

An office to be
kept in Charles-
ton by the
trustees.A clerk allow-
ed them

X. *And be it further enacted* by the authority aforesaid, That all the said bills of credit that shall be made and issued by virtue of this Act, shall be and continue current in this Province, and shall be current in all payments to the Publick Treasurer, and all others in this Province, for the sums in the said bills respectively mentioned: and shall be held, deemed and taken to be a good and sufficient tender in the law to all intents and purposes whatsoever, for discharging all debt and debts, sum and sums of money whatsoever, due on record or otherwise, or on judgements, mortgages, specialties, bonds, promises or other contracts and demands whatsoever now due or hereafter to grow due or payable in this Province; and if any person or persons, creditor or creditors, party or parties to any contract, covenant, bargain or agreement whatsoever, already made or hereafter to be made, except special contracts to the contrary, shall upon tender of all or any their said debts, dues or demands whatsoever, in the said bills of credit, made current by this Act, refuse to accept the said bills of credit in discharge of the said debts, dues or demands, or any of them, according to the sums mentioned and expressed in such bills, he, she and they so refusing to accept the said bills of credit in discharge as aforesaid, shall loose the said debts so tendered or offered to be discharged in the said bills of credit, and such tender and refusal given in evidence on the general issue pleaded in any action or suit, shall be held, deemed, taken and adjudged to be an absolute barr and discharge against the plaintiff or plaintiffs in all such actions and suits, except as before excepted; any law, usage or custom to the contrary thereof, in any wise notwithstanding.

The bills so
issued made a
legal tender.Penalty on
refusing them.

A. D. 1736.

Auditors to be appointed.

XI. *And be it further enacted* by the authority aforesaid, That a committee of the General Assembly of this Province, shall once in every year or oftener as the General Assembly shall think fit, be appointed and shall audit the accounts of the sums of money in bills of credit, silver or gold, let out upon loan to the inhabitants of this Province, according to the directions of this Act, and also the sums of money received by the said trustees in silver or gold for the annual interest aforesaid, pursuant to this Act.

Remedy in case of the non-payment of the interest money.

XII. *And for the more easy and effectual remedy* against all such person and persons who shall borrow any of the said bills of credit from the said trustees, and shall refuse or neglect to pay the interest thereon annually, to grow due as aforesaid at the end of every year from the time of borrowing the same, *Be it further enacted* by the authority aforesaid, That when and as often as any person or persons (his, her or their heirs, executors, administrators or assigns) who shall borrow any of the said bills of credit, silver or gold, shall refuse or neglect to pay the annual interest due or to grow due on the principal sum by him, her or them borrowed as aforesaid, in silver or gold as aforesaid, at the rates aforesaid, by the space of sixty days next after the end of every year when the same shall respectively become due, in such manner and form, and according to the purport, tenor and true intent and meaning of the respective bonds and mortgages, entered into by the mortgagor (at the time of borrowing the said bills of credit, silver or gold,) and this Act of Assembly; that in every such case, and upon every such refusal, neglect or default made in the premises, it shall and may be lawful to and for the said trustees, and the trustees for the time being, and they are hereby required to enter into and upon the said mortgaged premises, and all and all manner of person and persons whatsoever thereout to expel and remove; and after notice given thereof, by publishing the same in five successive Gazettes, or other publick notice in case there should be no Gazette, at the distance of a week from each other, that unless the arrears of interest due on such mortgaged premises, be paid within the said five weeks, that the said premises will be sold at public outcry, for the most money that can be got for the same, it shall and may be lawful to and for the said trustees to sell, alien and dispose of the said mortgaged premises to any person or persons, their heirs and assigns, in fee simple; and which sale, alienation and disposition, shall be made by the said trustees, by indorsement on the back of the respective mortgages in writing, under their hands and seals, which shall be sufficient in law to all intents and purposes, to convey the premises so aliened and sold, to the person and persons buying the same, their heirs and assigns in fee, and they shall and may hold and enjoy the same against the mortgagor, his heirs and assigns, and all other person and persons whatsoever, clearly discharged and freed from all equity and benefit of redemption whatsoever; any law, usage or custom to the contrary in any wise notwithstanding.

In cases of sale, the overplus to be returned.

XIII. *And be it further enacted* by the authority aforesaid, That in case the money arising by such sale of the said mortgaged premises, shall be more than sufficient to pay off and discharge the said interest so in arrear, and the principal money on which the same became due, and the reasonable costs and charges of the said trustees on such sale, that then and in every such case, the said trustees shall return the overplus (after deducting the said principal, interest and costs) unto such mortgagor or mortgagors, their heirs and assigns.

XIV. *And be it further enacted* by the authority aforesaid, That if after any messuages, houses, lands, tenements or hereditaments whatso-

ever, are mortgaged as aforesaid, to the said trustees, according to the directions of this Act, it shall appear that the party mortgaging had no good right or title to the premises mortgaged, or if the said trustees shall apprehend there is any danger of loosing the moneys or any part thereof advanced in loan upon the credit of such lands, tenements, messuages or hereditaments, it shall and may be lawful to and for the said trustees, and the trustees for the time being, to enter up judgment on the bond and warrant of attorney (which they are always required to take from the mortgagor at the time of his giving his mortgage, for the further and better security of the sum in the said paper bills, silver or gold, borrowed from the said trustees) of the said mortgagor, and to take out execution either against his person or goods, as they shall think shall best tend to securing the money due on such bond and mortgage.

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Remedy in case of defective title.

XV. *And be it further enacted* by the authority aforesaid, That if any person or persons who shall take upon loan any of the said bills of credit, shall at any time after the end of one year next after the taking of the same, see cause, and shall pay down the sum so taken in the said bills of credit, and the interest then due on the same, in silver or gold, at the rates aforesaid, then and in such case, every such person shall be released and discharged, by indorsement to be made in writing by the said trustees on the back of the said mortgage, under their hands and seals; and the said messuages, houses, lands, tenements and hereditaments in the said mortgage contained, and the person of the said mortgagor, his heirs, executors and administrators, and his and their goods and chattels, shall stand forever discharged against the said trustees and every of them, any thing in the said mortgages, bonds and warrants of attorney or either of them, to the contrary in any wise notwithstanding.

Releases and discharges to be made on payment.

XVI. *And be it further enacted* by the authority aforesaid, That the Honourable John Fenwicke, Esq. and Gabriel Manigault, Esq. Charles Pinckney, Othniel Beale and Thomas Lamboll, Esq. be and they are hereby nominated and appointed commissioners for the imprinting, stamping, signing and issuing the bills of credit by this Act directed to be imprinted, stamped, signed and issued, and trustees for having and executing all and singular the trusts, powers and authorities in this Act directed, given, granted or appointed; and that in case of the death, refusal to act, or removal from this Province of any of the said commissioners and trustees, other person or persons shall be appointed by the General Assembly in the room of those dying, refusing to act, or removing from this Province, who shall have all and the same powers and authorities, and be under the same obligations as the commissioners and trustees named in and by this Act.

Commissioners nominated.

Case of death or removal.

XVII. *And be it further enacted* by the authority aforesaid, That the said commissioners appointed or to be appointed by virtue of this Act, shall be subject to be removed and displaced by the General Assembly, and not otherwise.

Commissioners may be discharged by Assembly.

XVIII. *And be it further enacted* by the authority aforesaid, That if any person or persons whatsoever shall forge or counterfeit any of the said bills of credit, by this Act directed to be imprinted, stamped, signed and issued, or that shall exchange with the said trustees any such forged or counterfeited bills, or that shall utter any such forged or counterfeited bill, (knowing the bill or bills so exchanged or uttered to be forged or counterfeited,) or that shall counsel, advise, procure or any ways assist in the forging, counterfeiting, imprinting, stamping or signing of any such false bill or bills, or that shall engrave any plate, or make any other instrument to be used in making such false or counterfeit bill or bills, that then every

Penalty on counterfeiting.

A. D. 1736.

such person and persons so offending and being thereof lawfully convicted, shall be adjudged to be guilty of felony, and shall suffer the pains of death as a felon without benefit of the clergy.

General issue
may be pleaded
and this act given
in evidence.

XIX. *And be it further enacted* by the authority aforesaid, That if any action or suit whatsoever shall at any time hereafter be sued or prosecuted against any of the said commissioners, trustees or any other person or persons whatsoever, for any matter or thing whatsoever, which they or any or either of them shall do or cause to be done, by virtue or in pursuance of the directions of this Act, that in all and every such actions and suits, it shall and may be lawful to and for the defendant and defendants, to plead the general issue and give this Act and the special matter in evidence, and in case the plaintiff or plaintives in such action or suit shall discontinue, become non suit or a verdict shall pass against him or them, it shall and may be lawful to and for the court in which such action or actions is sued, prosecuted or commenced, to tax and allow to every such defendant and defendants, his and their treble costs of suit, for which the said defendant and defendants shall have like remedy as is given by law to other defendants.

This act not to
be in force till
approved by his
Majesty.

XX. *And be it further enacted* by the authority aforesaid, That neither this Act nor any thing herein before contained, shall be of any force, power or efficacy, but the same is wholly suspended, until his most sacred Majesty's royal approbation and allowance thereof, shall be known and signified to the Governour and Commander-in-chief for the time being, any thing herein before contained to the contrary thereof in any wise notwithstanding.

PAUL JENYS, *Speaker.*

In the Council Chamber, 29th May, 1736.

Assented to : THOS. BROUGHTON.

No. 598. AN ACT for regulating the Markets in the Parish of St. Philip's Charlestown, and for preventing forestalling, engrossing and regrating, and unjust exactions, in the said Town and Market.

(Passed May 29, 1736. The original not to be found.)

No. 599. AN ACT for preventing, as much as may be, accidents which may happen by fire in Charlestown, in the Province of South Carolina.

(Passed May 29, 1736. *See last volume.*)

No. 600. AN ACT for the better relief and employment of the Poor of the Parish of St. Philip's Charlestown, and for the suppressing and punishing Rogues, Vagabonds, and other lewd, idle and disorderly persons.

(Passed May 29, 1736. *See last volume.*)

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AN ACT further to empower the Commissioners of the High Roads in the Parish of St. Philip's, St. James's Goose Creek, and St. Andrews. No. 601.

(Passed May 29, 1736. See last volume.)

AN ACT FOR INCORPORATING THE VESTRY OF THE PARISH OF ST. No. 602.

THOMAS, IN BERKLEY COUNTY, AND TO ENABLE THE SAID VESTRY MORE EFFECTUALLY TO PUT IN EXECUTION THE TRUSTS REPOSED IN THEM BY THE LAST WILL AND TESTAMENT OF RICHARD BERESFORD, ESQ. DECEASED, ACCORDING TO THE CHARITABLE AND PIOUS INTENTIONS OF THE SAID TESTATOR; AND TO SETTLE AND ADJUST THE SEVERAL ACCOUNTS OF THOSE PERSONS WHO HAVE ACTED AS VESTRY MEN IN AND FOR THE SAID PARISH OF ST. THOMAS, SINCE THE DECEASE OF THE SAID RICHARD BERESFORD.

WHEREAS, Richard Beresford, (late of the Province of South Carolina,) Esq. deceased, sometime in or about the month of May, in the year of our Lord one thousand seven hundred and fifteen, duly made and published his last will and testament in writing, and therein thereby (amongst other things) did give, devise and bequeath unto his son John Beresford, his heirs, executors, administrators and assigns forever, all and singular his the said Richard Beresford's goods and chattels, lands, tenements and hereditaments whatsoever, in the said Province of South Carolina, or elsewhere (except what was therein before and thereafter devised) when he the said John Beresford should attain unto the age of one-and-twenty years; and the said Richard Beresford therein and thereby declared, that his will was that his said son John Beresford, should have all due and liberal education, maintenance and subsistence out of the yearly profits and produce of all his real and personal estate therein before mentioned to be devised to his said son, according to the direction of his executor thereafter named, until his said son should attain the age of one-and-twenty years; and the said testator did further give, devise and bequeath unto the honourable Colonel Thomas Broughton, thereafter appointed his executor, the sum of ten pounds per centum per annum, for every one hundred pounds he should make of the clear yearly profits and produce of the real and personal estate devised to his said son, for the said Colonel Broughton's care and management thereof, until his the said testator's son should arrive to the age of one-and-twenty; and the said testator did, by his said will, further give, devise and bequeath unto the said Colonel Thomas Broughton, his executors and administrators, all the rest, residue and remainder of the yearly profits and produce of his said real and personal estate not therein before devised, until his said son should attain to his age of one-and-twenty years, upon special trust and confidence, and for the several uses, intents and purposes hereinafter mentioned, that is to say, upon trust that he the said Colonel Thomas Broughton, should yearly and every year, pay the same into the hands of the vestry, for the time being, of the parish of St. Thomas, in Berkley county, to be disposed of by the said vestry, or the major part of

Preamble.

Recital of the
will of Richard
Beresford.

A. D. 1736.

them, in manner following, that is to say, one third part thereof to the school master or school masters of the said parish, for the time being, and the other two thirds of the said residue of the said profits and produce of his said real and personal estate, until his said son should come of age, for and towards the support, maintenance, tuition and education of the children of the poor of the said parish, as shall be there sent to school during the time aforesaid, to be taught and instructed in reading, writing and casting accounts, learning of the several languages, mathematicks or other liberal learning and education, as the said vestry shall direct; and in case there should be no school master or school masters residing and teaching in the said parish of St. Thomas, the said Richard Beresford's will was, that the said vestry should employ the said profits of the said estate so to be paid into their hands, towards the building of a school or schools in the said parish, until a school master or school masters can or may conveniently be had, or put the same out at interest for any the purposes aforesaid, as they shall think best and most convenient; and his will further was, that the said vestry of the said parish, for the time being, should have the nomination or choice of all or any such school master or school masters, and at pleasure the same to remove and displace, if they shall see occasion. And whereas, Colonel Thomas Broughton, the executor in the said will named, proved the said will, and took upon himself the burthen of the execution thereof, together with the several trusts and confidences in him by the said will reposed, and hath paid all the testator's just debts, and also divers large sums of money which did arise from the profits and income of the testator's estate during the minority of the aforesaid John Beresford, the son, into the hands of several of the vestry of the said parish of St. Thomas, for the time being. And whereas, the said John Beresford, the son, is now arrived to his age of one-and-twenty years, and the several trusts by the said will reposed in the said Colonel Thomas Broughton, are now ceased and determined. And whereas, it is highly reasonable and just that the charitable and pious intentions of the testator should be effectually put in execution, and that the moneys arising by the said legacy or donation, should be carefully continued and applyed to and for the several uses, intents and purposes in the aforesaid last will and testament directed and appointed, we therefore most humbly pray your most sacred majesty that it may be enacted,

The vestry
incorporated.

I. *And be it enacted*, by his Honor Thomas Broughton, Esquire, your Majesty's Lieutenant Governour and Commander-in-chief, in and over your Majesty's Province of South Carolina, by and with the advice and consent of your Majesty's honourable Council and the Commons House of Assembly of the said Province, and by the authority of the same, That all and every the person and persons who shall be from and after the twentieth day of June, which shall be in the year of our Lord one thousand seven hundred and thirty-six, annually chosen and elected to serve as vestry men for the said parish for the time being, shall be, and they are hereby declared to be one body corporate and politick, in deed and in name, by the name of the vestry of the parish of St. Thomas, in Berkley county, and by the same name the said vestry so to be chosen and elected as aforesaid, shall from time to time and at all times hereafter, have perpetual succession, and a common seal, with full power and authority to change, alter, break and make new the same, when and as often as they shall see expedient; and that the said vestry, for the time being, so to be chosen as aforesaid, and their successors, the vestry of the said parish, for the time being, shall be and they are hereby declared, able and capable in law, to have, hold, receive, enjoy, possess and retain to them and

their successors, the vestry of the said parish, for the time being, all such estate, real or personal, money, goods, chattels or effects, as by the said Richard Beresford were bequeathed or devised to and for the charitable uses and intents in the aforesaid will mentioned, or which have been purchased for the use or benefit of the said donation, and all securitys for the same; and by the same name shall sue and be sued, implead and be impleaded, answer and be answered, in any Court or Courts within this Province.

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II. *And be it further enacted* by the authority aforesaid, That after an account shall be taken by the said vestry of the lands, moneys, and effects of and belonging to the said donation, the same shall be deemed and taken as the capital stock of the said vestry for the purposes aforesaid, and shall be kept or placed out at interest, and the future interest and produce thereof, shall hereafter be applied towards building or repairing a school or schools, and paying a school master or school masters, and for and towards the support, maintenance, tuition and education of the children of the poor of the said parish of St. Thomas, as shall be thereafter sent to school, in such manner and according to the rules of proportion mentioned and directed in and by the said testator's last will.

An account to
be taken of
this testamen-
tary donation.

III. And whereas, the said vestry will have paid into their hands a very large sum of money, arising or to arise by virtue of the said last will and testament of the said Richard Beresford, deceased, by reason whereof the trust reposed in the faithfulness, integrity and abilities of the members of the said vestry, ought to have more than ordinary security, *Be it therefore enacted* by the authority aforesaid, That no person or persons whatsoever (the rector of the said parish for the time being excepted) shall be elected, deemed or taken as a member or members of the said vestry, or have a right to vote as such, until he or they shall have taken and subscribed the following oath, (any law, usage or custom to the contrary, in any wise notwithstanding) to wit, "I, A B, do solemnly and sincerely acknowledge and swear, that I do not owe or am indebted to the vestry of the parish of St. Thomas, in Berkley county, on account of the donation of Richard Beresford, Esq. deceased, any sum or sums of money whatsoever, and I do solemnly promise that I will not, during the time of my being a vestry man, apply for, or take up at interest, any sum or sums of money of or from the said vestry; and that I will well and faithfully execute the office of a vestry man of the parish of St. Thomas, and to the utmost of my power, observe and follow the directions of the Act of the General Assembly, made for incorporating the said vestry and for other purposes in the said Act mentioned, so help me God." Which oath shall be administered by some justice assigned to keep the peace in and for Berkley county, and by him certified to the said vestry.

Oath to be
taken by the
vestry men.

IV. *And be it further enacted* by the authority aforesaid, That the members of the said vestry being duly qualified, shall and may meet and assemble together, in the vestry room of and belonging to the said parish of St. Thomas, four times in every year, that is to say, on the second Tuesday after Easter day, the first Tuesday in June, the first Tuesday in September, and the first Tuesday in December, or oftener if the affairs of the said vestry shall require, upon seven days notice to be given and published in the parish church of the said parish of St. Thomas; and that all and every the matters and things that shall be moved, stirred, debated or done, in or by the said vestry, shall be done, transacted, ordered and determined by the consent, advice and approbation of the greater part of the members of the said vestry that shall be present and together at the time of their assemblies or meetings; provided always, that nothing shall

Vestry meeting
four times a
year.

A. D. 1736.

be done or transacted in relation to any matter or thing in this Act mentioned, at or upon any other day or time, than the days or times before limited for such assembly or meeting, and unless there shall be at least five members of the said vestry duly qualified, present and together at such assemblies or meetings; any thing in this Act contained, to the contrary thereof in any wise notwithstanding.

The Vestry
are not to buy
or sell any lands
or slaves.

V. *And be it further enacted* by the authority aforesaid, That it shall not be lawful for the said vestry to purchase for the use of the said charity, any lands, servants or slaves, or to alien, sell or exchange any of the lands, tenements or hereditaments already belonging to, or purchased for the benefit of the said charity, any law, usage or custom, to the contrary thereof in any wise notwithstanding.

They shall not
loan more than
£1000 to any
one person.

VI. *And be it further enacted* by the authority aforesaid, That the said vestry and their successors, shall not lend to any one person more than the sum of one thousand pounds currency of the money of or belonging to the said charity or donation, nor any sum of the said money whatsoever to any member or members of the said vestry for the time being, nor accept or take any mortgage or mortgages, bond or bonds or other security or securities, for any such moneys, unless the principal sum or sums so to be lent, together with the lawful interest thereof, be by the provisos, conditions or defeazances of such mortgages, bonds or other securities, made payable at or before the end of one year from the date thereof, upon pain of forfeiting for each offence treble the value of the money so lent, one half to the informer, and the other to the poor of the said parish of St. Thomas, to be recovered against the members assenting to such loan or loans, by action of debt, bill, plaint or information, in any of his Majesty's Courts of record within this Province, wherein no protection, wager of law, or more than one imparlance, shall be allowed.

A treasurer to
be chosen for
one year.

VII. *And be it further enacted* by the authority aforesaid, That the said vestry or any five of them, shall and may, once in every year, to wit, on the second Tuesday after Easter day, elect and choose a Treasurer, and the said Treasurer to be chosen, shall continue in the said office for one year and no longer, unless rechosen, and shall keep and render to the said vestry, as often as he shall be thereto required, a true, just and exact account of all the receipts, payments, disbursements, and all other dealings and transactions of the said vestry, in and about the execution of the trust in them reposed, and shall at the end of every year, close, balance and settle the accounts of the said vestry, and shall yield up and deliver to the said vestry, all moneys, securities and effects whatsoever, which he shall have received, taken or been in possession of, for the use of the said vestry, during his continuance in the said office; and upon the Treasurer's settling and balancing, fully discharging and paying off and delivering all such moneys, securities and effects, as shall be due and owing to the said vestry, shall give the said Treasurer sufficient and legal discharges under their common seal.

Duplicates of
the treasurer's
accounts to be
transmitted to
the Court of
Chancery.

VIII. *And be it further enacted* by the authority aforesaid, That duplicates of the said Treasurer's accounts, together with an authentick copy of the proceedings of the said vestry, shall once at least in every year, forever hereafter, be by the said vestry transmitted to or laid before the Court of Chancery, holden in this Province, which Court shall, and they are hereby authorised and impowered, forever hereafter, to visit the said vestry, and to inspect and inquire into their accounts, and of the gifts, limitations and appointments made in and by the will of the said Richard Beresford, and of the abuses, breaches of trusts, negligences, misemployments, not employing, concealing, defrauding, misconverting or mis-

government of any lands, tenements, rents, profits, hereditaments, goods, chattels, money or stocks of money, at any time heretofore given and belonging to the said charity, or which shall hereafter belong to the same, and to correct, reform and redress all such abuses aforesaid.

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IX. *And be it further enacted* by the authority aforesaid, That all such estates, real and personal, rights of action or entry, and other rights, titles, trusts, powers and authorities, claims and demands whatsoever, devised or given to or vested in the aforesaid Colonel Thomas Broughton, or any other person or persons whatsoever, by virtue of the said last will and testament of the said Richard Beresford, to and for the charitable uses, intents and purposes in the said will mentioned, specified and declared; and also all the issues, produce and profits of the estate, real and personal, of the said Richard Beresford, which arose or accrued after the testator's decease and during the minority of the said John Beresford; and also all the estates, real or personal, goods, chattels or effects which have been purchased or bought by the produce of the said estate; and also all and every sum and sums of money, bonds, specialties, mortgages and other securities that have been entered into or taken for securing the payment of any sum or sums of money, in whose names soever they have been taken, or in whose hands soever the same are, do or shall remain; and all other rights of action or entry, estates, titles, trusts, claims and demands whatsoever, which have accrued since the death of the said Richard Beresford, by reason of the trusts aforesaid, are and shall be by virtue of this Act fully and absolutely vested and settled in the said Vestry forever, for such pious and charitable uses as are hereby and by the said last will and testament of the said Richard Beresford directed and appointed, subject always and liable, nevertheless, to all such just rights, claims and demands whatsoever, either in law or equity, which the aforesaid Colonel Thomas Broughton, or the aforesaid John Beresford, or either of them, or their or either of their heirs, executors or administrators, or any of them, now have or hereafter may have or claim of, in, or out of the proceeds or produce of the estate, real or personal, of the said Richard Beresford deceased, so vested as aforesaid by this Act in the said Vestry; excepting always, all such part of the profits and produce of the said testator's real and personal estate as have been expended in the discharge of the debts, legacies and funeral expenses of the testator, or in the defraying of the necessary charges and expenses laid out and expended in providing necessaries and managing and taking care of the testator's estate, real and personal; and all such sums of money as have been duly and necessarily laid out and expended in and about the execution and management of the trusts aforesaid; and subject nevertheless to the payment of all such debts, legacies and other sums of money, in such manner as by the aforesaid last will and testament they are given, bequeathed or appointed, in case it shall happen that any such debts, legacies or sums of money shall remain due, unpaid, and not satisfied.

The whole of the devised property to be vested in the Vestry.

X. *And be it further enacted* by the authority aforesaid, That the school master, usher and clerk, shall be elected, chosen and appointed, and removed, put out and displaced, by the said Vestry, or the major part of them.

School-master, usher and clerk to be chosen.

XI. *And be it further enacted* by the authority aforesaid, That the said Vestry shall be and they are hereby declared able and capable in law to have, hold, receive, enjoy, possess and retain to them all such other estates, real and personal, money, goods, chattels and effects, as have already been devised or bequeathed, or hereafter shall be devised or bequeathed to

The Vestry may hold other bequests.

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This Act to be
deemed a public
Act.

charitable uses, within the said Parish of St. Thomas, subject nevertheless to the will, directions or appointment of the donor or donors.

XII. *And be it further enacted* by the authority aforesaid, That this Act shall be deemed and taken as a public Act, and notice shall be taken thereof in all courts of justice and elsewhere in this Province, and shall be given in evidence on the trial of any issue or cause, without special pleading; saving to his Majesty, his heirs and successors, and to all persons, bodies politick and corporate, and their heirs, successors, executors or administrators, (except the executors and administrators of the aforesaid Richard Beresford, or such and such persons who have been vestrymen of the Parish of St. Thomas, as trustees or devisees under the aforesaid will,) all such right, title, estate, interest, power of redemption, claim or demand, in law or equity, as any of them have or shall have, of, in, to or out of the premises, as if this Act had never been made.

PAUL JENYS, *Speaker*.

In the Council Chamber, the 29th of May, 1736.

Assented to: THOS. BROUGHTON.

- No. 603. AN ACT for appointing Commissioners to lay out a Road from the road that leads from Willtown to Charlestown, to the road that leads from Smith's Ferry, otherwise called Parker's Ferry, to Charlestown, and to keep the same in repair.

(Passed May 29, 1736. *See last volume.*)

- No. 604. AN ACT for repairing the old and building of new Fortifications, for the security and defence of this Province from attacks by Sea, and for appointing Commissioners for carrying on such works: and for continuing New Church Street and Little Street to Ashley River.

(Passed May 29, 1736. *See last volume.*)

- No. 605. AN ACT FOR ENCOURAGING THE RAISING OF HEMP, FLAX AND SILK, WITHIN THE PROVINCE OF SOUTH CAROLINA.

Preamble.

WHEREAS, the better cultivating the lands within the new townships and other parts of this Province, by raising hemp, flax and silk within the same, will be of great service to the Crown, as well as benefit to his Majesty's subjects, we humbly pray your most sacred Majesty that it may be enacted,

Premiums to be
paid out of the
public treasury.

I. *And be it enacted*, by the Honourable Thomas Broughton, Esq. Lieutenant Governour and Commander-in-chief in and over this his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council and the Commons House of Assembly, and by the authority of the same, That from and after the ratification of this Act, there shall be paid out of the public treasury the sum of four pounds current money for every hundred weight of water-rotted, well-cured and

A. D. 1736.

clean-dressed hemp, of the growth of this Province, hereafter raised and produced; and fifty shillings current money for every hundred pounds weight of water-rotted, well-cured and clean-dressed flax, of the growth of this Province, hereafter raised or produced; and so in proportion for a greater and lesser quantity, not less than twenty-five pounds weight; and twenty shillings for every pound averdupoise weight of good and merchantable raw silk, even-drawn, and fit for any foreign market; and for every pound above ten pounds, the further premium of ten shillings on every pound weight of the growth or produce of this Province. The quantity and quality of hemp, flax and silk, to be certified to the treasurer of the Province, under the hand and seal of such skilful surveyor or surveyors as shall be appointed for that purpose by his Honour the Lieutenant Governour or the Commander-in-chief for the time being; which said surveyor shall be paid one shilling in the pound out of the premium, for his service, by the owner of the respective commodities throughout, which he or they shall survey and certify, and so in proportion for a greater or lesser quantity, and shall be sworn to the faithful discharge of his office, in the words following, viz: "You, A B, being appointed a surveyor of hemp, flax and silk, within the parish of C., do swear that you will well and faithfully execute your said office, after your best skill and cunning, with all fidelity, and without any partiality, favour or affection; and that you will not pass your certificate for any hemp, flax or silk, but such as in your judgment and conscience you shall judge to be merchantable, of due size and well manufactured, as the law directs: So help you God."

Oath to be taken.

II. *And be it further enacted* by the authority aforesaid, That no hemp shall be accounted merchantable, within the intent of this Act, but such as shall be bright, well cured and water-rotted, of three feet in length at least, measured in handfals not exceeding one pound or less than half a pound, and cleansed fit for use; nor shall any flax be accounted merchantable, within the intent of this Act, but such as is bright, well cured and cleansed from the swingle, fit for use; nor shall any silk be accounted merchantable, within the intent of this Act, but such as is good, even-drawn, and fit for any foreign market. And no person shall be entitled to any premium for hemp, flax or silk, till he hath made oath before the treasurer of the Province, or surveyor of such parish whereof the person raising the hemp, flax or silk, is an inhabitant, who are hereby respectively

Qualities of the hemp, flax and silk.

impowered to administer the same, in the manner following, viz: "You swear that the hemp, flax or silk, by you now offered for a premium, is bon fide the produce and growth of land under your improvement, within this Province, since the twenty-fifth of March last past; and that neither you nor any other person hath received the premium or a certificate for the same, or for any part thereof." And every surveyor who administers such oath as aforesaid, shall certify the same to the Province Treasurer, under his hand, with his certificate of the quantity and quality of the hemp, flax or silk, and the person receiving the premium shall give the Treasurer a receipt therefor.

Oath.

III. *And be it further enacted* by the authority aforesaid, That this Act shall continue and be in force for the space of three years, and from thence to the end of the next session of the General Assembly, and no longer.

Limitation of this Act.

PAUL JENYS, *Speaker*.*In the Council Chamber, the 29th day of May, 1736.**Assented to: THOS. BROUGHTON.*

A. D. 1736.

No. 606. AN ACT for settling an allowance or salary of Fifty Pounds, sterling money of Great Britain, per annum, on an Assistant to the Rector of the Parish of St. Philip's Charlestown, for the time being, in the ministerial offices in the said Parish.

(Passed May 29, 1736. *See last volume.*)

No. 607. AN ACT for erecting and building a Chappel for Divine Service on the South side of Combee River, near Hoospa Neck, in the Parish of St. Helena.

(Passed May 29th, 1736. Too much torn to be copied.)

No. 608. AN ACT FOR RAISING THE SUM OF THIRTY THOUSAND THREE HUNDRED AND EIGHTY SEVEN POUNDS THREE SHILLINGS AND SEVEN PENCE, FOR DEFRAYING THE CHARGES OF THE GOVERNMENT FOR ONE YEAR, COMMENCING THE TWENTY-FIFTH DAY OF MARCH, ONE THOUSAND SEVEN HUNDRED AND THIRTY-FIVE, AND ENDING THE TWENTY-FIFTH DAY OF MARCH, ONE THOUSAND SEVEN HUNDRED AND THIRTY-SIX, AND FOR APPLYING THE SUM OF ONE THOUSAND POUNDS NOW IN THE HANDS OF THE PUBLICK TREASURER, THAT BEING THE SURPLUS OF THE COUNTRY TAX RAISED IN THE GENERAL TAX FOR THE YEAR ONE THOUSAND SEVEN HUNDRED AND THIRTY-FOUR.

Preamble. WHEREAS, it appears upon an estimate made of the charges of the Government, that the sum of thirty-one thousand three hundred and eighty-seven pounds three shillings and seven pence, in the present currency, will be wanting for defraying the same, we therefore pray your most sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Honor Thomas Broughton, Esquire, the Lieutenant Governour, by and with the advice and consent of his Majesty's honourable Council and the Commons House of Assembly, and by the authority of the same, That a tax or sum of thirty thousand three hundred and eighty-seven pounds three shillings and seven pence current money of this Province, be imposed and levied on the several inhabitants of the same, that is to say, the sum of five thousand two hundred and thirty-one pounds three shillings and eleven pence half-penny, being one sixth part of the said sum of thirty-one thousand three hundred and eighty-seven pounds three shillings and seven pence, on the inhabitants of Charlestown, and the sum of twenty-five thousand one hundred and fifty-five pounds nineteen shillings and seven pence half-penny, on the several inhabitants of this Province living without the town plott; which said sum of thirty-one thousand three hundred and eighty-seven pounds three shillings and seven pence, shall be applied to the use of his Majesty for the support of this Government.

II. And for the more certain and effectual levying thereof, *It is hereby enacted and declared*, That the sum of seventeen shillings and six pence current money, per head, be imposed and levied on all male white

A tax to be laid
to raise
£30,387 3 7.

Apportioned.

Property to be
taxed.

persons from the age of twenty-one to sixty years, (except the new comers settled in his Majesty's townships, who are hereby exempted,) and the sum of twelve shillings and six pence current money, per head, on all negroes and other slaves whatsoever and wheresoever within the limits of this Province, and the sum of seven shillings and six pence current money, per hundred acres, on all lands throughout the said Province, (town lots without the limits of Charlestown plat excepted.)

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III. *And be it further enacted* by the authority aforesaid, That all persons whatsoever, who are possessed of any lands or slaves in this Province, either in their own right or in the right of any other person, or are liable to pay any tax by virtue of this Act, shall on or before the second Tuesday in July next ensuing, render a particular account thereof in writing, to the enquirers and collectors of the several parishes and places respectively, where the person who is to render such account does live and reside, and at such times and places as the said enquirers and collectors or any two of them shall direct or appoint for the doing thereof, so that the same be done on or before the said second Tuesday in July next; and the person so rendering his account, shall give in to the said enquirers and collectors the number of his slaves and the quantity of land that he is possessed of in this Province.

An account of
property to be
rendered to the
enquirers.

IV. And whereas, there are divers tracts of land in this Province held or owned by persons not resident here, *Be it further enacted* by the authority aforesaid, That where any attorney or trustee of any person living or residing without the limits of this Province, shall make any return of any lands belonging to such absent person by virtue of this Act, every such attorney and trustee shall be subject and liable to pay the tax to become due by virtue of this Act for such lands, out of his and their proper estate; and for levying whereof, the same remedies shall and are hereby given as for levying the tax to become due by virtue of this Act, on the proper estate of such attorney or trustee; or the collectors and enquirers of the several parishes respectively where any lands lye which are held or owned by any person or persons not resident in this Province, shall, and they are hereby authorized and empowered, directed and required, either to sell and dispose of any timber, lightwood or any other wood thereon standing, growing or being, to the amount or value of the tax such lands is liable to pay by virtue of this Act, or to let to farm all, any part or parcel of such land, without impeachment of waste, to any person or persons whatsoever, for any term or time not exceeding four years, till the rents arising thereby shall be sufficient to pay the said tax, at the election of such collectors and enquirers, unless any person shall tender the tax money for such land; and all and every sale of such timber, lightwood or other wood, and leases of such lands as aforesaid, shall be and they are hereby declared good and valid, to all intents and purposes whatsoever; any law, statute, usage or custom to the contrary thereof in any wise notwithstanding.

Property of
non-residents.

V. *And be it further enacted* by the authority aforesaid, That the several persons hereinafter named, shall be enquirers and collectors for the several parishes hereinafter mentioned respectively, viz: for the parish of St. Philips, Charlestown, without the limits of the town plat, Mr. Geo. Austin and Mr. William Pinckney; for the parish of Christ Church, Mr. Richard Fowler and Mr. William Hendrick; for the parish of St. James's Goose Creek, Mr. William Middleton, Mr. William Smith, Mr. John Bulleine; for the parish of St. John, in Berkley county, Mr. William Child, Mr. Joseph St. Julian and Mr. John Hyrue; for the parish of St. George, Mr. Stephen Dowse, Capt. Richard Baker; for the parish of St. Thomas and St. Dennis, Mr. Robert How and Mr. John Du Tart; for

Enquirers and
collectors
nominated.

A. D. 1763.

the parish of St. Andrews, James Island excepted, Mr. Joseph Fuller and Mr. Robert Ladson, jun'r. and for that part of the parish called James Island, Mr. Henry Sheriff and Mr. Nicholas Smith; for the parish of St. John, in Colleton county, that is to say, for Johns Island, Mr. Thomas Roberts and Mr. Thomas Tatnell; for Wadmelow Island, Mr. Samuel Shaddock, sen. and Mr. Richard Freeman; and for Edisto Island, Mr. John Jenkins, jun. and Mr. Archibald Calder; for the parish of St. Paul, that is to say, for Stone and the east side of Pon Pon, Mr. John Haines, Mr. Isaac Nichols, Mr. John Hutchison; and for Beach Hill in the said parish, Mr. Samuel Stiles, Mr. John Geredeau; for the parish of St. Bartholomew, Capt. William Peters, Mr. Moses Martin, William Jackson, Mr. John Hutchinson and Mr. Robert Wright, of Ashepoo; for the parish of St. James Santee, Col. John Gendron, Mr. Isaac Legrand and Daniel Welshuysen, Esq.; for the parish of Prince George Winyaw, Mr. William Romsey, Mr. Abraham Warnock and Mr. Elias Horry, jun.; for the parish of Prince Frederick, Mr. William Brockington, Mr. John Brown and Mr. Joseph Cante; and for the parish of St. Helena, Port Royal, Mr. Joseph Edward Flower, Mr. John Fripp, jun. and Mr. Jonathan Bryan.

VI. *And be it further enacted* by the authority aforesaid, That Mr. John Allen, Mr. Joseph Shute and Mr. Peter Horry, be, and are hereby appointed inquirers within the limits of Charlestown plat, and that Capt. Adam Beauchamp, Mr. Jacob Motte, Mr. James Fisher and Mr. Thomas Monck, and Mr. Edward Hext, be and are hereby appointed assessors and collectors for the parish of St. Philips, Charlestown, within the limits of the said town plat.

VII. *And be it further enacted* by the authority aforesaid, That all persons whosoever who are possessed of any lands or slaves in this Province, in their own right or in the right of others, or are any ways liable to pay tax by virtue of this Act, shall pay in their tax to the several persons hereby appointed to receive the same, on or before the second Tuesday in August next ensuing, or within ten days then next after at farthest, at which time the said enquirers, collectors and assessors of the several parishes respectively within this Province, shall close their accounts and shall transmit the same to the Public Treasurer for the time being, and pay him all such moneys as shall be by them respectively received in pursuance of the directions of this Act, on or before the second Tuesday in September next ensuing; and all and every person whosoever, liable to pay any tax by virtue of this Act, shall at the time of giving in their accounts to the several inquirers and collectors respectively, take the following oath: I, A. B., do swear that the account I now give in is a just and true account of all the lands and slaves which I, either in my own right or as attorney, executor, administrator, guardian or trustee for any other person or persons whatsoever, am any wise possessed of, interested in or entitled unto, or which my wife either in her right or as attorney, executor, administrator, guardian or trustee for any other person or persons whatsoever, is any ways possessed of, interested in or intitled unto, by any title, way or means whatsoever; and this I declare without any equivocation or mental reservation whatsoever, so help me God: which oath any of the enquirers and collectors respectively are hereby required and impowered to administer; and the said inquirers and collectors for each parish and district respectively, shall give in an account in writing of their own lands and slaves, on oath, after the manner before directed, to the said receiver or publick treasurer respectively, at the time appointed.

VIII. *And be it further enacted* by the authority aforesaid, That if any person or persons in giving in or rendering his account of lands or slaves

Taxables to
give in an ac-
count on oath.

Penalty on
concealment.

as aforesaid, shall wilfully or voluntarily conceal any part, all such persons shall forfeit treble tax for what they so concealed. A. D. 1736.

IX. *And be it further enacted* by the authority aforesaid, That every person neglecting or refusing to give in such his, her or their account of persons neglecting or refusing to give in an account. lands and slaves, to the inquirers and collectors aforesaid respectively, at such time and place as they shall appoint, or by the third Tuesday in July next at farthest, he, she or they shall be deemed a defaulter or defaulters, and shall be by the inquirers and collectors doubly taxed for all his, her or their lands and slaves.

X. And whereas, divers inhabitants living without the limits of Charlestown plat, are possessed of divers houses and town lots, or parts of lots within the same, *Be it therefore enacted*, That all such persons shall be rated for such lots as if they were actually resident in Charlestown; and all town lots and the improvements thereon, within the limits of Charlestown plat, shall be rated at the discretion of the assessors in Charlestown. Non-resident owners of lots in town.

XI. *And be it further enacted* by the authority aforesaid, That the inquirers for Charlestown are hereby directed and ordered to inquire into and take an account of all such real estates and slaves of the inhabitants living and residing within the limits of Charlestown plat, which they shall be possessed of, interested in or intitled unto, either in their own right or in the right of any other person whatsoever, which are lying or being within the limits of the said town plat, and of all the lands and slaves which the inhabitants of Charlestown are possessed of without the limits of the same, or in any other part of the Province, and the said enquirers shall make and finish their enquiry and return the same to the assessors hereby appointed for Charlestown, on or before the third Tuesday in July next; and the said enquirers for Charlestown shall likewise extract and certifie to the said assessors all the lands to them given in by the owners and inhabitants of Charlestown without the limits of the said town plat, and all lands and slaves without the limits of Charlestown plat, shall be reckoned as part of the country tax; provided always nevertheless, that nothing hereinbefore contained shall extend, or be construed to extend to give the said assessors any power or authority to rate or assess any goods, wares, merchandize or effects as shall be consigned immediately to any merchant or factors in this Province, to dispose of as factors only; and it is hereby declared that the several slaves belonging to the inhabitants of Charlestown which have been for six months last past employed in Charlestown, shall be reckoned and accounted as that part of the tax to be levied on the inhabitants of Charlestown, and that all and every their lands and slaves in the country, shall be reckoned and accounted as part of the country tax.

XII. *And be it further enacted* by the authority aforesaid, That the store-keepers living in the country shall be rated by the enquirers in the several parishes where they live, for their stock and cash, after the rate of two pound per cent., and the money arising by the assessment of such stores shall be paid to the collectors respectively, and deemed as part of the country tax; and in such parishes where one of the inquirers and collectors shall happen to be a store-keeper, the other inquirer and collector shall, and is hereby empowered to assess such store-keeper in the same proportion as other store-keepers are assessed at. Country store-keepers.

XIII. *And be it further enacted* by the authority aforesaid, That every person, as well inhabitants of Charlestown as store-keepers in the country, who shall have reason to believe he is over-rated by such assessors, shall have ten days publick notice given by the assessors or inquirers at the watch house in Charlestown, or in any other publick place in the country for that purpose, to swear off so much as he or they are over-rated before Appeal allowed.

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the said assessors or enquirers as aforesaid, and the said assessors and enquirers are hereby empowered to administer such oath and allow of an abatement accordingly.

Oath.

XIV. *And be it further enacted*, That the said assessors for Charlestown, upon receiving the returns of the inquirers, shall administer to them the following oath, viz: "You, A. B., C. D. and E. F., do swear that the account you now give in is a just and true account of all the real estates and slaves of the several inhabitants of Charlestown, lying within the limits of the said town plat, according to the best of your knowledge: So help you God."

Enquirers, &c.
to give in ac-
count of their
own property.

XV. *And be it further enacted* by the authority aforesaid, That the said enquirers for Charlestown, at the same time, shall render an account to the said assessors of their own real estates and slaves in this Province, and take the same oath before the assessors, *mutatis mutandis*, as they are directed to administer to the other inhabitants of Charlestown.

Assessment on
Charlestown.

XVI. *And be it further enacted* by the authority aforesaid, That the said assessors shall be, and they are hereby authorized to rate and assess the sum of five thousand one hundred and twenty-five pounds twelve shillings and ten pence current money on the real and personal estates, stocks and abilities of the inhabitants of Charlestown, and others interested in the said town as aforesaid, rateably and proportionably, according to the best of their skill and judgement: any two of the said assessors shall be a quorum, and shall meet at the house of Col. Miles Brewton, in Charlestown, on the second Tuesday in July next, and there to continue to finish the assessment of Charlestown, or to adjourn to any other place as they shall see fit; and the said assessors shall finish and complete the said assessment for Charlestown, on or before the second Tuesday in August next, and shall cause a duplicate thereof to be posted at the publick watch house in Charlestown in seven days after the said assessment shall be closed.

Oath.

XVII. *And be it further enacted* by the authority aforesaid, That the assessors for Charlestown shall, before they enter on the execution of their office, take the following oath before one of his Majesty's justices of the peace, who shall give him a certificate for so doing, gratis. "I, A. B., do sincerely swear that I will indifferently, equally and impartially rate and assess all and every person to be returned to be assessed by the enquirers of Charlestown for that purpose, according to the directions to me given by this Act, and according to the best of my skill and knowledge: So help me God."

Mistakes may
be amended.

XVIII. *And be it further enacted*, That in case the assessors shall find any mistakes in the return of the inquirers, the said assessors shall not be so strictly bound by the said return but that they may have liberty to proceed according to better information and knowledge.

Time of pay-
ment in
Charlestown.

XIX. *And be it further enacted*, That every person so assessed by the said assessors for Charlestown, shall pay into the hands of the said assessors and collectors the several sums of money on them respectively assessed, on or before the first Tuesday in September next.

Out of
Charlestown.

XX. *And be it further enacted* by the authority aforesaid, That in case any person whatsoever, living without the limits of Charlestown plat, shall neglect or refuse to pay in his or their tax, at the days and times herein before mentioned and appointed for the payment thereof, the enquirers and collectors respectively shall, within ten days after the time is fully elapsed, without favor or affection, or further delay, levy the same by virtue of a warrant by them or any one of them, to be signed and sealed for that purpose, which warrant shall be directed to the constable or constables of the respective parishes where such defaulter lives or resides, requiring him

or them to levy the same by distress and sale of the defaulter's goods, returning the overplus (if any there be) to the defaulter, after deducting the reasonable charges; and if no such distress can be found, and the defaulter shall neglect or refuse to produce goods, whereon the money so assessed may be forthwith levied, then the said constable or constables, by virtue of the said warrant, shall take the body of such defaulter and bring him to the common goal in Charlestown, which warrant shall run in these words, *mutatis mutandis*, viz: "By A. B., C. D. and E. F., collectors of the general tax for the parish or precinct of , in county—to G. H., constable for the precinct of , or to the provost marshal of the Province of South Carolina, or his lawful deputy. Whereas, I. F., of , hath been duly assessed by us the subscribers, collectors of the tax for the parish or precinct of , the sum of , for his tax for defraying the charge of the government for the year ending on the 25th day of March, 1736, which he hath neglected to pay: these are, therefore, in his Majesty's name, strictly to charge and command you to levy, by distress and sale of the goods and chattels of the said I. F., the said sum of , together with the charges thereof, and in case no distress can be found, that then you take the body of the said I. F., and him carry to the common goal in Charlestown, commanding you, the keeper of the said goal, to receive the said I. F. into your custody, and him safely to keep until he shall pay the said sum of , together with the charges thereof, and of keeping and detaining as aforesaid; and for your so doing, this shall be your sufficient warrant. Given under our hands this day of anno dom. 1736. A. B., C. D., E. F." And the provost marshal shall detain such person in the goal aforesaid, without baile or mainprize, until they have satisfied the debt and charges aforesaid; and the said collectors and assessors of Charlestown shall have the same powers and authorities, and proceed in the same manner for levying and recovering the tax of the defaulters living within the limits of Charlestown plat as is above directed.

XXI. *And be it further enacted* by the authority aforesaid, That the constable or constables to whom such warrant shall be directed, shall take the following fees in the execution of their office, viz: for every execution, six shillings and three pence, and twelve pence for every pound, to be levied as aforesaid, and twelve pence for every mile, to be computed from the dwelling house of such constable or constables to the dwelling house or place of residence of such defaulter, and no more, or any other fee or fees whatsoever; and the enquirers and collectors respectively, for every such warrant he or they shall so issue, shall have from such defaulter ten shillings current money.

XXII. *And be it further enacted*, That if any taxable person shall neglect to give in an account of his estate to the said enquirers and collectors by the time before limited in this Act, or shall omit or neglect to pay either his own tax or the tax assessed by virtue of this Act, or any person for whom he is guardian, attorney, executor or trustee, by the time above limited, the said enquirers and collectors respectively, where such taxable person lives, are hereby impowered and required to issue their warrant in the same manner as above directed; and in case the said enquirers and collectors shall not have a just information what such persons tax doth amount to, the said warrant shall run for double the sum such person was rated in the last tax, and shall be dealt with in all other respects as a defaulter.

XXIII. *And be it further enacted* by the authority aforesaid, That the Publick Treasurer shall have full and ample power in all respects, for collecting and getting in arrears of taxes which are or were due by any

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Process to be issued.

Form of process.

Fees to be taken.

Arrears of former taxation to be collected.

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former law or Act of Assembly, notwithstanding the same be repealed or expired, and the same may be recovered by virtue of a warrant under the hand and seal of the Publick Treasurer.

Persons taxed
dying.

XXIV. *And be it enacted*, That in case any person shall happen to dye between the time of giving in his account to the said collectors and inquirers, and the paying of his tax, and any goods or chattels of the deceased, to the value of the sum he was assessed at, shall come to the hands of his executors or administrators, or any executors in their own wrong, such executors or administrators shall pay the same by the time before limited, prior to all mortgages, judgments and debts whatsoever, (debts due to his Majesty excepted) or otherwise a warrant or execution shall issue against the proper goods of such executor or administrator; and if any person between the time limited for rendering the account of his estate to the collectors and inquirers aforesaid, and the time of paying in his tax, shall be about to depart this Province, the said collectors and assessors are hereby directed and required forthwith to levy the same, notwithstanding the days of payment are not then already come, unless such person will find sureties to the liking of the said collectors and assessors for the payment thereof, at the time appointed.

Evasive deeds
fraudulent.

XXV. *And be it further enacted*, That all deeds of gift, conveyances, mortgages, sales and assignments of lands and tenements, goods and chattels of any person whatsoever, made with an intent to avoid being assessed or paying tax, are hereby deemed and declared to be fraudulent and null and void, to all intents and purposes whatsoever.

Mortgaged
property.

XXVI. *And be it further enacted*, That in case any person who has mortgaged any part of his real and personal estate, shall refuse or neglect to pay tax for the same, the mortgagee shall be answerable and liable to pay the sums assessed on the mortgagor, provided that such estate be in the possession of the mortgagee.

Penalty on
neglect of duty.

XXVII. *And be it further enacted* by the authority aforesaid, That the said publick treasurer and collectors, enquirers, assessors, marshall, constables and every other magistrate or officer, who shall neglect or refuse to do and perform the several matters hereby required of them to be done respectively within the time prescribed by this Act, shall, for every such neglect or refusal, forfeit the sum of one hundred pounds current money, to be recovered in any Court of Record in this Province, the one half to his Majesty for the support of this government, and the other half to him or them that will sue for the same, by action of debt, bill, plaint or information, wherein no essoign, priviledge, protection or wager of law, shall be allowed or admitted.

Inquirers &c.
dying or
removing.

XXVIII. *And be it further enacted* by the authority aforesaid, That in case any of the inquirers, collectors and assessors before mentioned, should happen to die, refuse to act, or depart this Province, before they have executed the powers and authorities hereby given them, that then his Excellency the Governour, or the Commander-in-chief for the time being, is hereby empowered to nominate and appoint another fit person in the room of him so dying, refusing to act, or going off, and the person so appointed, shall have the same powers, and be under the same penaltys as the assessors, collectors and inquirers hereby nominated.

Process against
the provost
marshall and
others.

XXIX. *And be it further enacted* by the authority aforesaid, That the publick treasurer, for the time being, be and he is hereby empowered to grant immediate execution against the provost marshall, for the time being, and all former provost marshalls, and in case of their decease, against their executors and administrators, where there are assets for all arrears of taxes due and owing to the publick of this Province, and also against

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all former constables and collectors of taxes, and collectors for the time being, for all taxes now or hereafter to grow due, when the time is or shall be elapsed for paying in the same; and in case the publick treasurer shall grant any execution or executions against any of the persons aforesaid, where there is nothing due, or for more money than is come to their hands, it shall and may be lawful to and for such person against whom such execution is wrongfully granted, to maintain an action at law against such treasurer, and recover double damages and treble costs of suit.

XXX. *And be it further enacted* by the authority aforesaid, That if any collector or inquirer, assessor, provost marshal, constable, publick treasurer, or other person whatsoever, shall happen to be sued for any matter or thing whatsoever by him or them done, in execution of this law, it shall and may be lawful for such person and persons aforesaid to plead the general issue, and give this Act and the special matter in evidence; and in case a verdict shall pass for the defendant or defendants, he or they shall recover double costs of suit.

General issue may be pleaded and this Act given in evidence.

XXXI. And whereas the parish of St. Pauls, in Colleton county, hath been, by an Act of the General Assembly of this Province, divided, and in and by the said Act the said parish as it stood before such division was obliged and charged with the reparation of all and singular the bridges in the said undivided parish, in a proportionable manner, which should want repair, and be repaired in two years next after the ratification of the said Act; and whereas the bridges commonly called Wallace's and Danbridge's bridges, in the said undivided parish, are gone very much to decay, but the same, through some unavoidable accidents, cannot be repaired before the expiration of the said two years; and whereas the proportion of the charge of that part of the said parish of St. Pauls, now called St. Johns, in Colleton county, towards repairing the said bridges, hath been computed at the sum of two hundred and seventy-five pounds current money, but the same cannot be raised and lodged within the said two years from the passing the said Act for dividing the said parish of St. Pauls, for the remedy whereof, *Be it further enacted* by the authority aforesaid, That the said sum of two hundred and seventy-five pounds shall, on or before the second Tuesday in September next ensuing the ratification of this Act, be assessed, raised and levied by the commissioners of the high roads, publick paths and bridges, in that part of the said parish of St. Pauls now called St. Johns, in Colleton county, in the same way and manner as the commissioners of any high roads, publick paths and bridges, assess, raise and levy the charges of repairing any publick paths or bridges by the laws of this Province; and the commissioners of the said parish of St. Johns shall pay over the said sum of two hundred and seventy-five pounds into the hands of the commissioners of the high roads, publick paths and bridges in the said parish of St. Pauls, on or before the said second Tuesday in September next, to be applied for and towards the repairing the said bridges, commonly called Wallace's and Danbridge's bridges.

Duty of certain road commissioners.

XXXII. And whereas the charges of the government for the current year will amount to the sum of thirty-one thousand three hundred and eighty-seven pounds three shillings and seven pence, and there being now in the hands of the publick treasurer a surplus of the last preceding country tax, amounting to the sum of one thousand pounds, which with the said sum of thirty thousand three hundred and eighty-seven pounds three shillings and seven pence herein before directed to be levied, will amount to the said sum of thirty-one thousand three hundred and eighty-seven pounds three shillings and seven pence, *Be it therefore enacted* by

Schedule of appropriation.

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the authority aforesaid, That the aforesaid sum of thirty thousand three hundred and eighty-seven pounds three shillings and seven pence, to be raised and assessed on the inhabitants of this Province, as aforesaid, as also the aforesaid sum of one thousand pounds current money, now in the hands of the publick treasurer, shall be appropriated, applied and paid by the publick treasurer, according to the schedule or estimate hereunto annexed, and not otherwise.

THE SCHEDULE TO WHICH THE ANNEXED ACT REFERS.

ON THE ESTABLISHMENT FOR PAYING THE GARRISON AT FORT MOORE.

To the Captain, per annum,	£ 300 00 00
The Lieutenant,	168 00 00
A Serjeant,	114 00 00
Thirteen men, at £7 per month, each,	1092 00 00
Victualling sixteen men at £32 per annum, each,	512 00 00
Premium on £1374, garrison orders at 2½ per cent.	34 07 00—£2220 07 00

TO THE RANGERS.

The Captain, per annum,	288 00 00
The Serjeant,	168 00 00
Nineteen men (returned by the treasurer,) at £14 per month, they finding their own provisions,	3192 00 00
Premium on £2160 orders, at rate of £9 per man, per month, 2½ pr. cent.	54 00 00—£3702 00 00

TO THE SCOUT BOAT.

To the Captain, per annum,	200 00 00
Ten men, at £9 per month,	1080 00 00
Victualing eleven men, at £32 per annum each,	352 00 00
Premium on £1080, orders, paying ditto,	27 00 00—£1659 00 00

TO JOHNSON'S FORT.

The Captain, per annum,	200 00 00
Six men, at £6 per month,	432 00 00
Victualing 7 men, at £32 each,	224 00 00
Premium on £432, orders, at 2½ per cent.	10 16 00—£ 866 16 00

TO PAROCHIAL CHARGES.

St. Philips, Charlestown,	£55	
Twelve other parishes, at £40 each,	480	535 00 00—£8983 03 00

SUNDRIES GRANTED BY FORMER RESOLUTIONS OR LATE DETERMINATIONS ON ACCOUNTS, &c.

To the Gunner of Charlestown,	200 00 00
Do. on account allowed,	125 00 00—£ 325 00 00
To Miles Brewton, per house rent for the Assembly,	200 00 00
To the Clerk of the Assembly, per resolution,	600 00 00
Do. his account allowed,	732 00 00—£1332 00 00
To the Messenger of Assembly, on a resolution,	250 00 00
Ditto, four accounts allowed, amount,	158 10 00—£ 408 10 00
To Jesse Badenhope, Clerk of the Council,	300 00 00
Ditto, his account allowed,	595 16 00—£ 895 16 00
To Alexander Cramahoe, for a year's service,	200 00 00
To Daniel Butler, for a year's service,	200 00 00
Ditto, an account allowed,	102 05 00—£ 302 05 00
To Charles Shephard, for hire of court room,	100 00 00
To Philip Massey, account allowed cleaning small arms,	320 01 02
To Edward Crofts, account allowed,	3 00 00
To Childermas Crofts, account allowed,	136 15 00
To Alexander Skeen, Esq. running the line between this and North Carolina,	480 00 00
To James Abercromby, Esq. running the boundary line,	480 00 00

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Ditto, an account allowed as Attorney General,	792 00 00—£1273 00 00	
To William Waies, running the boundary line,	180 00 00	
To Dr. John Moultry, account allowed,	20 00 00	
To Richard Hall, Provost Marshal, do.	618 18 09	
Michael Janes, account,	48 00 00	
J. Floyd, three orders on Southern Lookout,	168 00 00	
Alexander Bonner, do. Lookout,	50 00 00	
Daniel View, alias Fue, per two orders per ditto,	120 00 00	
To continue said Lookout to 25th March, 1736,	132 00 00—£ 470 00 00	
To Alexander Wood, on account allowed,	80 00 00	
To Charles Pinckney, two accounts allowed,	125 10 00	
Ditto, on account of signing the bills,	200 00 00—£ 325 10 00	
To Charles Russell, account allowed,	122 00 00	
To John Milner, cleaning small arms,	216 19 00	
To Elias Horry, Coroner of Craven county,	40 00 00	
Andrew Rutledge, two accounts allowed, viz : £50 and £48 10,	98 12 00—£8195 06 11	
Lewis Timothy, account allowed,	90 00 00	
Ditto, advanced towards printing the laws,	300 00 00—£ 390 00 00	
To Catharine Chicken, account,	72 00 00	
Capt. Thomas Johnson, do.	132 17 06	
Thomas Corbett,	75 13 09	
William Hamilton,	40 00 00	
Doctor Trott,	105 00 00	
Peter Harman, gave for former services,	300 00 00	
Sarah West,	80 00 00	
George Chicken,	80 00 00	
George Pawley, for assisting in running the boundary line,	150 00 00	
To the Scavengers of Broad street,	300 00 00—£1725 11 03	
To a chappell at the upper part of Santee, gave,	100 00 00	
Further by a law,	200 00 00—£ 300 00 00	
To the French Church in the parish of St. Thomas and St. Dennis,	100 00 00	
To Mr. Secretary Hammerton's account allowed,	544 04 00	
To Peregrine Fury, salary for a year, £200 00 00 sterl. } at 640 adv. 3045 05 08	211 10 06	
Ditto, account allowed,		
To Richard Hall, per Act of Assembly, £100 sterl. at do.	740 00 00	
To patrols per Charlestown, by the commissioner's account,	312 10 00	
Ditto, in the country,	912 10 00—£1225 00 00	
To Francis Yonge, on a former resolution, £100 sterl. at 740 exchange,	740 00 00—£6694 09 08	
To his Honour the Lieutenant Governour, to the 25th March, 1736,	2000 00 00	
To beasts of prey,	400 00 00	
To the executors of the late Governour Johnson, for his service in his administration, from the 25th March, 1735, to 5th May following,	400 00 00	
For house rent, four and one-third months, at 800 per annum,	288 17 09—£ 688 17 09	
To the Commissary for one year,	400 00 00	
To repair the new Market House,	200 00 00—£ 600 00 00	
To Peter Taylor, for paying Messrs. Osmond, Sav- age, Motte and Crockatt,	57 15 00	
To the Deputy Messenger, for thirteen months, at £150 per annum,	162 10 00	
To the Commissioners for exchanging the currency, for further fees and charges in carrying on the prosecution against Thos. Mellichamp,	60 00 00	

A. D. 1736.	To ditto to reimburse Oth. Beale, moneys paid on the prosecution of Morgan and Mellichamp,	42 10 00—£ 323 15 00
	To the executors of the late Governour Johnson, to erect a monument to his memory as a mark of peculiar esteem and gratitude, one hundred guineas, at 640 per cent advance,	777 00 00
	To necessaries for Fort Moore,	250 00 00
	To the Chief Justice, in full of all services,	700 00 00
	To Benjamin Whitaker, for drawing a bill for better regulating Charlestown, and another bill for making navigable the head of Ashley river,	50 00 00—£1000 00 00
		£ 31,387 03 07

PAUL JENYS, *Speaker*.

In the Council Chamber, May 29th, 1736.

Assented to : THOS. BROUGHTON.

- No. 609. AN ACT for the further encouragement of Mr. Peter Villepontoux, in his projection of a new instrument for cleansing of Rice.
(Passed May 29th, 1736. Mutilated.)

- No. 610. AN ORDINANCE FOR ASSERTING AND MAINTAINING THE RIGHTS AND LIBERTYS OF HIS MAJESTY'S SUBJECTS OF THE PROVINCE OF SOUTH CAROLINA TO A FREE, OPEN AND UNINTERRUPTED TRADE WITH THE CREEK, CHEROKEE AND OTHER INDIANS IN AMITY AND FRIENDSHIP WITH HIS MAJESTY'S SUBJECTS, AND FOR THE BETTER PRESERVING THOSE INDIANS IN THE INTEREST OF GREAT BRITAIN.

Preamble.

WHEREAS, it is the undoubted right and priviledge of his Majesty's subjects to have and enjoy an open, free and well regulated trade with all nations of Indians that are in friendship and amity with his Majesty's said subjects; and whereas, nothing can better conduce to the preserving the several nations of Indians surrounding his Majesty's Province of South Carolina and Georgia, in their friendship to his Majesty's subjects, and to prevent their falling into the interest of the French and Spaniards, than the keeping a free and open trade and commerce, which for these many years last past have been to the great advantage and benefit of his Majesty's subjects of this Province, and the very considerable consumption of the woollen and other manufactures of Great Britain, carried on and negociated by his Majesty's said subjects of this Province, to and with the several nations of Creek, Cherokee and other Indians, in amity and friendship with his Majesty's subjects; for the preservation whereof, and for the asserting and maintaining the rights and liberties of all his Majesty's said subjects of this Province, we humbly pray your most sacred Majesty that it may be ordained,

I. *And be it ordained*, by the Honourable Thomas Broughton, Esq., his Majesty's Lieutenant Governour, Captain General and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the

a dvice and consent of his Majesty's honorable Council and the Commons House of Assembly of this Province, and by the authority of the same, That it shall and may be lawful, and it is hereby declared and ordained to be lawful, to and for all such his Majesty's subjects as shall be approved of and duly obtain a lycence, to visit, frequent, haunt, trade, traffick and barter to and with the several nations of Creeks, Cherokee and other Indians in amity and friendship with his Majesty's subjects, they observing and paying due obedience to such rules, regulations and orders as are directed by the laws of this Province, and taking especial care to preserve, by their prudent behaviour and deportment, that peace and friendship which at present subsists between the said Indians and all his Majesty's said subjects, of what province or colony soever they are or may be; and that as long as such of his Majesty's subjects as shall so visit, trade or traffick with the said nations of Indians, or any of them, shall so do, they and every of them shall be and they are hereby declared to be under the protection of his Majesty's authority, as lawfully exercised in this Province.

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Privileges of
the licensed
traders.

II. *And be it further ordained and declared,* That in case it should happen that any of his Majesty's subjects, so peaceably and well behaving as aforesaid, having or obtaining lycences from the Commissioner of the Indian trade of this Province to trade with any of the nations of Indians aforesaid, shall happen to be molested or imprisoned, or their goods or effects seized or taken away by virtue or under pretence of breach of any Act or Acts of the trustees for establishing the Colony of Georgia, in America, such person or persons shall have their said damages and losses (provided they do not in the whole exceed the amount or value of the sum of two thousand pounds sterling money of Great Britain) made good to them by the public of this Province, to be raised, paid and levied in the next general Tax Act, after such loss shall happen. Provided always, that such trader and traders to whom such loss and damage shall happen, shall, before they depart for the Indian nation, lay before the Governour or Commander-in-chief for the time being, or such of his Majesty's honourable Council as live and reside in Charlestown, a list of the several goods, wares and merchandize, they shall carry with them into the Indian nations, and do carry none other than such as they shall expressly obtain lycence for under the hands of the said Governour or Commander-in-chief, or of his Majesty's said Council.

Persons duly
licensed not to
be molested.

III. *And be it further ordained* by the authority aforesaid, That all additional duties not heretofore paid, which have been laid or imposed on any Indian dressed deer skins, or other skins and furs, since the twenty-fifth day of March, in the year of our Lord one thousand seven hundred and thirty, by virtue of any law of this Province, be, and they are hereby remitted and forgiven; any law, statute or usage to the contrary in any wise notwithstanding.

Additional
duties remitted.

IV. *And be it further ordained* by the authority aforesaid, That no more than the sum of ten shillings sterling money shall at any time or times hereafter during the continuance of this ordinance, be paid on obtaining a lycence to trade with the Indians; any law, statute or ordinance to the contrary notwithstanding.

License fee.

V. *And be it further ordained* by the authority aforesaid, That this Ordinance and every thing herein contained shall continue and be in force for the term of two years from the ordaining hereof, and from thence to the end of the next session of the General Assembly, and no longer.

Limitation of
this ordinance.PAUL JENYS, *Speaker.**In the Council Chamber, Charlestown, June 26th, 1736.*

Assented to: THOS. BROUGHTON.

A. D. 1736.

No. 611. AN ORDINANCE for appointing Captain John Hext Comptroller of the Duties granted to his Majesty by any Act of the General Assembly of this Province, and appropriated by such Act to the use of this Province.

(Passed December 9, 1736. Too much torn to be copied.)

No. 612. AN ACT TO SUPPLY THE DEFECTS IN THE EXECUTION OF AN ACT INTITULED *An Act for raising thirty thousand three hundred and eighty-seven Pounds three shillings and seven pence, for defraying the charges of the Government for one year, commencing the twenty-fifth day of March, one thousand seven hundred and thirty-five, and ending the twenty-fifth day of March, one thousand seven hundred and thirty-six; and for applying the sum of one thousand Pounds, now in the hands of the Publick Treasurer, being the surplus of the country tax raised in the general tax for the year one thousand seven hundred and thirty-four: AND IN THE EXECUTION OF ANOTHER ACT INTITULED An Act to provide a full supply for subsisting poor Protestants coming from Europe and settling in his Majesty's new Townships in this Province, and for establishing a Fund, by an annual tax on the inhabitants of this Province, for paying off and cancelling the remaining Publick orders, which were issued in the year one thousand seven hundred and thirty-one.*

Preamble,

WHEREAS, in and by an Act of the General Assembly of this Province, intituled an Act for raising the sum of thirty thousand three hundred and eighty-seven pounds three shillings and seven pence, for defraying the charges of the Government for one year, commencing the twenty-fifth day of March, one thousand seven hundred and thirty-five, and for applying the sum of one thousand pounds, now in the hands of the Public Treasurer, that being the surplus of the country tax raised in the general tax for the year one thousand seven hundred and thirty-four, amongst other things it was enacted, that all persons whatsoever, possessed of any lands or slaves, either in their own right or the right of any other person, or were liable to pay any tax by virtue of the said Act, should, on or before the second Tuesday in July last, render a particular account thereof to the inquirers and collectors, or any two of them, of the several parishes and places respectively where they lived and resided, and at such times and places as the said inquirers and collectors, or any two of them, should direct, so that the same was done on or before the second Tuesday in July last; and that the person so rendering his account should give in to the said inquirers and collectors the number of the slaves and the quantity of the land that he was possessed of in this Province: And whereas, in and by another Act of the General Assembly of this Province, intituled an Act to provide a full supply for subsisting poor Protestants coming from Europe and settling in his Majesty's new townships in this Province, and for establishing a fund, by an annual tax on the inhabitants of this Pro-

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vince, for paying off and cancelling the remaining public orders which were issued in the year one thousand seven hundred and thirty-one, commencing the seventh day of June, one thousand seven hundred and thirty-five, and to continue for and during the term of three years from the seventh of June, and from thence to the end of the next session of the General Assembly—amongst other things it was enacted, that the several inquirers, assessors and collectors of the general tax, for the several parishes hereafter to be annually appointed, should have the same powers and authorities within their respective parishes and districts, for collecting and gathering in the several rates and proportions of taxes aforesaid, for the purposes aforesaid, as they had or should have by the tax law for inquirers assessing and collecting in the general tax for the then current or preceding year; and the said inquirers, assessors and collectors should be obliged to make their several inquiries, assessments and collections aforesaid, and to return the same moneys at the same days and times, upon oath, when done, to the public treasurer, under the same pains and penalties as the said inquirers, assessors and collectors are respectively subject and liable to by the said tax law and laws respectively: And whereas, the collectors and inquirers of the parish of St. James Santee, nominated by the said first recited Act, for want of timely notice, have not made their several inquiries or returns required, nor have collected, levied and received the several taxes imposed by virtue of the said Acts upon the several inhabitants of the said parish: We therefore pray your most sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Honor Thomas Broughton, Esq. Lieutenant Governour and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council and the Commons House of Assembly, and by the authority of the same, That the time for the several inquirers and collectors, appointed by the said recited Acts or either of them, to receive the accounts of the lands and slaves of the inhabitants of the parish of St. James Santee, be enlarged to the second Tuesday in January next; and that the said inquirers and collectors last mentioned shall and may and are hereby required and impowered to take and receive the said accounts, on or before the said second Tuesday in January next; and all persons whatsoever who are possessed of any lands or slaves in this Province, either in their own right or in the right of any other person, or were liable to pay any tax by virtue of the said Acts or either of them, shall, on or before the said second Tuesday in January next, render a particular account thereof in writing, in such manner as is required by the said Acts or either of them, to the said inquirers or collectors of the said parish of St. James Santee; provided they were liable to render their accounts by virtue of the said Acts or either of them; and that every person neglecting or refusing to give in his, her or their account of land and slaves to the inquirers and collectors last aforesaid respectively, at such time and place as they shall appoint, or by the said second Tuesday in January next, shall be deemed a defaulter or defaulters, and shall be by the said inquirers and collectors doubly taxed for all his, her or their slaves and lands, as in the first recited Act is provided; and that the store-keepers living in the said parish shall be rated by the inquirers and collectors thereof for their stock, after the rate of two pounds per centum, and that the money arising by such assessment may be paid pursuant to the said first recited Act; and that such store-keepers may have a liberty of swearing off, pursuant to the said first recited Act, and in manner and form as is thereby prescribed.

Time for receiving the accounts enlarged.

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Time of
payment.

II. *And be it further enacted* by the authority aforesaid, That all persons whatsoever residing in the said parish, who were possessed of any lands or slaves in this Province, in their own right or in the right of others, or were liable to pay tax by virtue of the said Acts, shall pay in their tax imposed by the said Acts or either of them, to the said inquirers and collectors nominated by the first recited Act for the parish of St. James Santee, on or before the third Tuesday in January next; at which time the said inquirers and collectors of the said parish shall close their accounts, and shall transmit the same to the public treasurer for the time being, and pay him all such moneys as shall be by them respectively received, in pursuance and according to the directions of the said Acts, or either of them, on or before the said second Tuesday in February next ensuing.

Present time of
payment de-
clared good
and lawful.

III. *And be it further enacted* by the authority aforesaid, That the said inquirers of the said parish of St. James Santee, meeting, taking and receiving the several accounts of the several persons living and residing within the said parish, levying, collecting and receiving the several taxes imposed by the said recited Acts or either of them, upon the inhabitants of the said parish, within the term hereby enlarged for the payment, and making their returns on or before the days and times in this Act limited and appointed, shall be and is hereby declared to be good and effectual to all intents and purposes whatsoever, as if the said inquirers and collectors had met, taken and received their several accounts required, and had collected, levied and received the several taxes imposed by the said recited Acts, and made their proper returns within the respective days and times limited and appointed in the said first recited Act for doing the same. And that the said inquirers, assessors and collectors of the tax, and the several persons residing within the said parish, liable to pay tax by virtue of the said first recited Act, in case of neglect or refusal to act and make their respective returns and payments enjoined by the said first recited Act, on or before the days and times by this Act limited and appointed, shall be liable to the same pains, penalties and forfeitures as are mentioned, limited and appointed in the said first recited Act; and that the said inquirers, collectors and assessors, and the several persons residing within the said parish, liable to pay tax by the last recited Act, in case of neglect or refusal to act, and make their respective returns and payments enjoined by the said last recited Act, on or before the days and times by this Act limited and appointed, shall be liable to the same pains, penalties and forfeitures as are mentioned, limited and appointed in the said last recited Act; and that the several forms, directions, provisions and injunctions, by the said recited Acts laid down and enjoined, shall be pursued and obeyed in the execution of this Act, if not altered and amended by this Act, by all persons whatsoever, under such pains, penalties and forfeitures, in the said recited Acts mentioned, limited and appointed. Provided nevertheless, that nothing in this Act contained shall extend to charge any person residing within the said parish with the payment of any taxes imposed by virtue of the said Acts, or either of them, to the said inquirers and collectors, upon account of any slaves acquired since the second Tuesday in July last, any thing in this Act to the contrary notwithstanding; and provided that nothing in this Act contained shall extend or be construed to extend to charge any person or persons with payment of any taxes imposed by virtue of the said Acts or either of them who have already paid such taxes.

IV. *And be it further enacted* by the authority aforesaid, That this Act shall be deemed a public Act, and shall be taken notice of as such, without special pleading, by all courts and persons whatsoever. A. D. 1736.

C. PINCKNEY, *Speaker*.

In the Council Chamber, the 14th December, 1736.

Assented to : THOS. BROUGHTON.

AN ACT for settling a Ferry on the Santee River, and for vesting the same in John Colleton, of Fair Lawn Barony, Esq. and his Assigns, for the term of seven years. No. 613.

(Passed Dec. 10, 1736. *See last volume.*)

AN ACT for taking off certain duties and impositions on the Indian trade, and for indemnifying the Indian traders from certain fines, penalties and forfeitures. No. 614.

(Passed Dec. 10, 1736. Too much defaced to be copied.)

AN ACT FOR FOUNDING AND ESTABLISHING A PAROCHIAL CHAPPEL OF EASE AT BEACH HILL, IN THE PARISH OF ST. PAUL'S, IN COLLETON COUNTY. No. 615.

WHEREAS, an Act of the General Assembly was heretofore passed for founding and erecting a chappel of ease at Willtown, in the parish of St. Paul's, in Colleton county, and the sum of two hundred pounds was granted by the General Assembly to be applyed towards the building such chappel; and whereas, the building of the said intended chappel has been neglected, and the parish of St. Paul's has been since divided; and whereas, the inhabitants of that part of the said parish which lyes adjacent to the place commonly called Beach Hill, have preferred their humble petition to the late Assembly, praying that a chappel of ease might be erected near Beach Hill, which is the most convenient situation for that purpose, and also praying that the sum of two hundred pounds, formerly granted for the chappel intended to be built at Willtown, might be applyed towards the building of a chappel near Beach Hill; we therefore pray your most sacred Majesty that it may be enacted,

I. *And be it enacted*, by the Honourable Thomas Broughton, Esq. Lieutenant Governour and Commander-in-chief of this his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council, and the Assembly of this Province, and by the authority of the same, That there shall, with all convenient speed, be built, near Beach Hill, a chappel for the publick worship, which said chappel from thenceforth shall continue and remain and be held, reputed, called, known and taken to be a parochial chappel of ease, forever.

II. And that that part of the aforesaid parish which lyes adjacent to Beach Hill may attend divine worship in the said chappel, agreeable to

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the Church of England, as by law established, *Be it enacted* by the authority aforesaid, That from and after the passing this Act, the rector or minister of the said parish for the time being, is hereby impowered and required every third Sunday throughout the year to repair to the said chappel, and then and there celebrate divine service, according to the rubrick and liturgy of the Church of England; and at proper times to preach, and to do and perform such other ministerial offices as by him may be done, exercised and performed.

III. *And be it further enacted* by the authority aforesaid, That the commissioners hereby appointed, or the major part of them, are hereby authorized and impowered to recover, have and receive the aforesaid sum of two hundred pounds, heretofore granted to the aforesaid chapel intended to be built at Willtown, together with the interest that has arisen and been made therefrom, from the person or persons into whose hands the same was paid, or in whose hands the same does now remain; and shall apply the said sum of two hundred pounds and interest, towards building the chappel by this Act directed to be built near Beach Hill; and the said commissioners are also hereby authorized and impowered to receive, collect and take such voluntary subscriptions, gifts and donations, which shall be freely given for carrying on the work aforesaid.

IV. *And be it further enacted* by the authority aforesaid, That Stephen Bull, Esq., Mr. Thomas Miles and Mr. Edward Perry, be, and they are hereby appointed commissioners, and they or any two of them are hereby authorized to carry on and supervise the building of the chappel aforesaid; and they are impowered to build the said chappel in such manner and form, of such dimensions and with such materials as they shall think best, and to agree with workmen for that purpose; and shall return an account how the several sums which they shall recover, receive, collect and take towards the building the chappel by this Act directed to be built near Beach Hill, are expended, with each particular sum laid out, to the General Assembly of this Province, for the time being.

V. And whereas, in order to promote so pious an undertaking, Jeremiah Miles, Esq. hath given two acres of land, situate on the northwest side of the high road that leads from the plantation of Mr. Thomas Elliot to Parker's Ferry, and at the place where the high road that leads from Dorchester joins the said road that leads to Parker's Ferry; *Be it further enacted* by the authority aforesaid, That the said chappel shall be erected and built on the said such part of two acres of land, so situated as aforesaid, as the commissioners aforesaid, or the major part of them, shall think fit; and the said two acres of land are hereby vested in the rector and churchwardens of the parish of St. Paul's for the time being, and their successors, rectors and churchwardens of the said parish, forever, for the use of the said chapel, and to and for no other use or purpose whatsoever.

C. PINCKNEY, *Speaker.*

In the Council Chamber, February 5th, 1736-7.

Assented to: THOS. BROUGHTON.

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No. 616.

AN ACT TO EMPOWER THE HONOURABLE THOMAS BROUGHTON, ESQUIRE, HIS MAJESTY'S LIEUTENANT GOVERNOUR AND COMMANDER-IN-CHIEF, IN AND OVER HIS MAJESTY'S PROVINCE OF SOUTH CAROLINA, AND THE COMMANDER-IN-CHIEF FOR THE TIME BEING, BY AND WITH THE ADVICE AND CONSENT OF HIS MAJESTY'S HONOURABLE COUNCIL OF THE SAME, TO LAY AN EMBARGO ON AND TO PROHIBIT AND STOP FROM SAILING, ANY SHIPS OR VESSELS NOW IN ANY PORT OR PLACE, OR WHICH AT ANY TIME OR TIMES DURING THE PRESENT SESSION OF THE GENERAL ASSEMBLY SHALL BE IN ANY PORT OR PLACE WITHIN THIS PROVINCE, AND TO IMPRESS AT ANY TIME DURING THE SAID TIME, ANY SHIPS, VESSELS, MEN, MARINERS AND LABOURERS, HORSES, ARMS AND AMMUNITION, AND TO PROHIBIT THE EXPORTATION OF PROVISIONS THEREIN MENTIONED.

WHEREAS, the legislative powers of this Province have received advice that a dangerous scheme is formed by certain subjects of the King of Spain and the Indians inhabiting on the coast of Florida, to make a descent on the new Colony of Georgia, planted by virtue of his Majesty's royal letters patents in the southern parts of this Province of South Carolina, to cut off and destroy his Majesty's subjects in the said Colony, from whence their inroads into this Province may with greater ease be effected; and whereas, it is absolutely necessary, from the duty we owe to our most gracious sovereign, and our concern for the security and welfare of our fellow-subjects of the same Colony, to use such precautions as are necessary for the security of both Provinces, we humbly pray your most sacred Majesty that it may be enacted,

I. *And be it enacted*, by the Honourable Thomas Broughton, Esquire, his Majesty's Lieutenant Governour and Commander-in-chief, in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Honourable Council and the Commons House of Assembly of this Province, and by the authority of the same, That it shall and may be lawful to and for his Honour the Lieutenant Governour, and the Commander-in-chief for the time being, by and with the advice and consent of his Majesty's Honourable Council of this Province, to lay an embargo on and to prohibit all such ships and vessels as now are or at any time or times during the present session of the General Assembly shall be in any port or place within this Province, from sailing or going out of or from this Province, as the said Lieutenant Governour, with the advice and consent aforesaid, shall think necessary and convenient for the service of his Majesty, and the security as well of the said Colony of Georgia as of this Province; provided always, that such embargo shall continue only during the present session of the General Assembly of this Province.

II. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful to and for the Lieutenant Governour for the time aforesaid, and by and with the advice and consent aforesaid, to prohibit and stop any quantity or quantities of arms, ammunition and other warlike stores and provisions, as beef, pork, flower, bread, corn, pease and small rice, from being exported or carried out of or from this Province to any port or place whatsoever, the Province of Georgia excepted; but to which Province the stores or provisions aforesaid or any of them, shall and may be exported or carried within the time aforesaid, within land,

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by and with the express licence and consent of his Majesty's said Lieutenant Governour or the Commander-in-chief for the time being, signified in writing under his hand and not otherwise; any law, usage or custom to the contrary thereof in any wise notwithstanding.

May impress
vessels, &c. for
public service.

III. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful to and for the said Lieutenant Governour and Commander-in-chief for the time being, during and within the time aforesaid, and by and with the advice and consent aforesaid, to impress or cause to be impressed, for the service of his Majesty and the defence and security of the said Colony of Georgia and this Province of South Carolina, any ships, vessels, boats, pettyaguas and other craft, men, mariners and labourers, horses, carts and other carriages, arms and ammunition, as the said Lieutenant Governour or Commander-in-chief for the time being, with the advice and consent aforesaid, shall judge necessary and convenient for the uses and services aforesaid.

General issue
may be pleaded
and this act given
in evidence.

IV. *And be it further enacted* by the authority aforesaid, That if any of his Majesty's officers or other person or persons whatsoever, shall be sued or prosecuted for any matter or thing by them or any of them done or to be done by virtue or in pursuance of the directions of this Act, it shall and may be lawful to and for the defendant and defendants in every such action and suit, to plead the general issue and give this Act and the special matter in evidence; and in case the plaintiff or plaintiffs in such action or suit shall discontinue, become non-suit, or a verdict or verdicts shall pass against him or them, the court in which suit or prosecution shall be commenced, sued or prosecuted, shall tax and allow to every such defendant and defendants his and their double costs of suit, for which the defendant and defendants shall have like remedy as by law is given to other defendants.

C. PINCKNEY, *Speaker*.

In the Council Chamber, the 5th February, 1736-7.

Assented to : THOS. BROUGHTON.

No. 617.

AN ACT FOR ESTABLISHING AND REGULATING OF PATROLS.

Preamble.

FORASMUCH as it has been found absolutely necessary, for the security of His Majesty's subjects in this Province, that patrols should be established under proper regulations in the settled parts thereof, for the better keeping of negroes and other slaves in order, and prevention of any cabals, insurrections or other irregularities amongst them, we therefore humbly pray his most sacred Majesty that it may be enacted,

Commissioners
to appoint
patrols.

I. *And be it accordingly enacted*, by the honourable Thomas Broughton, Esquire, his Majesty's Lieutenant Governour and Commander-in-chief, in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council and the Commons House of Assembly of the said Province, and by the authority of the same, That the several commissioners hereinafter nominated and appointed for the several parishes and districts of this Province, are hereby authorized, impowered and required, with all convenient speed, after the ratification of this Act, to enlist so many fit and able persons to be patrol men in each district as the respective commissioners in each district shall think fit, not exceeding fifteen men in number in each, who shall be willing to serve for

a twelve-month without receiving any pay or gratuity for such their service, and to take down and enter in a book to be kept for that purpose, the names of all such persons who shall enlist as aforesaid; and at the determination thereof, to enlist a new patrol upon the same footing as the first, and so from time to time when any vacancy shall happen.

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II. And for encouragement of good, discreet and able persons to undertake voluntarily and without pay, the patrol service, *It is hereby further enacted*, That the several patrol men, from such time as they are enlisted, and so long as they shall continue to serve without pay, shall be excused from the duties of the militia in the times of alarms and all other times, and from serving on parish offices, and from personal appearance to work on the high roads, and all service and attendance upon juries at the Courts of General Sessions or Common Pleas, or any other Court or Courts which now are or hereafter may be established, and shall be only subject to the command and direction of the Governour or Commander-in-chief, for the time being, and their respective commanders; provided always, that the said commissioners shall not enlist any person as a voluntary patrol man, but such as have a freehold of fifty acres of land, or pay forty shillings in the provincial tax.

The patrol men
exempt from
other duty.

III. *And be it further enacted* by the authority aforesaid, That the majority of such persons so enlisted to serve as patrol men, as soon as a sufficient and competent number is enlisted, shall in their several parishes and districts, choose one good and able person from amongst themselves to be their captain or commander, to be appointed by warrant under the hands and seals of the said respective commissioners, or of the Governour or Commander-in-chief for the time being, such person to be approved of by the commissioners of his respective parish or district.

To choose
their captains.

IV. And that the said patrols may be the better enabled to suppress any mischievous designs or combinations of negroes or other slaves, *It is hereby further enacted and required*, That every person appointed and enlisted to serve in the said patrol in pursuance of this Act, shall provide for himself, and keep in readiness for his patrol service, one good horse, one gun or pistol, a cutlass and a cartridge box with at least twelve cartridges in it, under the penalty of twenty shillings current money, for want of any of the said arms or accoutrements, at such times and places as shall be appointed by their respective commanders in their several and respective parishes and districts: And the said patrols shall on all occasions in their respective districts or parishes, be obedient and behave themselves towards their respective commanders in such manner as other persons are obliged to do to their respective officers by the militia laws of this Province, and shall be subjected to the same penaltys, fines and forfeitures in default thereof, as are imposed by the said militia laws; any law, usage or custom, to the contrary notwithstanding.

Arms and
accoutrements.

V. *And be it further enacted* by the authority aforesaid, That the several patrol commanders shall follow and observe in their respective parishes and districts, all such orders and instructions relating to their duty, as shall be given them by the Governour or Commander-in-chief for the time being, under a penalty of ten pounds current money, for every neglect or refusal, of which the commissioners for the time being, shall be judges.

Instructions of
the Command-
er-in-chief to
be followed.

VI. *And be it further enacted* by the authority aforesaid, That every patrol shall go to and examine the several plantations in their district, as they in their discretion shall see fit, so that they be obliged to ride patrol one night in every week at least, and which shall be performed in such a manner so as to visit every plantation within their respec-

Duty of the
patrol.

A. D. 1737.

tive districts once in every month, and shall take up all slaves which they shall see out of the bounds of their owner's lands, who have not a ticket specifying the time and place when, and where sent, and when to return, or who have not some white person in the company of such slave or slaves, to give an account of his or their business, and shall correct every such slave or slaves by whipping, not exceeding twenty lashes: And the said patrols shall have full power to search and examine all negro houses for offensive weapons, or ammunition; and may take away and convert to their own use, without any other law or process, all swords, guns, pistols, cutlasses, or other offensive weapons, and all ammunition, which they shall there find, without a license in writing from their owner or owners: And if any patrol, when the commander is present, shall see any slave or slaves endeavouring to avoid them, by hiding or running away, it shall be lawful for any one or more of the said patrol to pursue and apprehend the said slave or slaves; and if such slave or slaves shall make resistance with any offensive, dangerous instrument or weapon, it shall be lawful for the said patrol to beat, maim, and even to kill such slave or slaves resisting as aforesaid: And if at any time any patrol shall have occasion to enter the dwelling house of any person or persons, in order to apprehend any fugitive slave or slaves, who shall endeavour to conceal themselves from the said patrol, the commander shall ask leave of the owner of the said dwelling house, or of some white person then there, to take such slave or slaves out of the said house, or that the owner should deliver up such fugitive slave or slaves; and in case the said owner or other white person so intreated, shall refuse to deliver up such fugitive slave or slaves, or to suffer search to be made for them, (the said patrol having seen such slave enter) shall forfeit the sum of five pounds current money, for every such offence.

May enter tipling and other suspicious houses.

VII. *And be it further enacted* by the authority aforesaid, That the said patrols in their several districts, or any two persons belonging to the said patrols respectively, shall have full power, and they are hereby authorized and empowered, to enter into any disorderly tipling house or houses, suspected of trading or dealing with negroes, either of white persons, free negroes or others, where any slaves may be suspected to be tipling, trading or dealing, and to apprehend and correct all disorderly slaves there found, by whipping, as herein before directed; and the said patrols in their several districts may search such disorderly houses for stolen goods, if any are suspected to be there concealed; any law, usage or custom, to the contrary notwithstanding.

Case of death or removal from the Province.

VIII. And that a competent set of commissioners may be always subsisting during the continuance of this Act, to put the same in force, *It is hereby further enacted* by the authority aforesaid, That if any of the commissioners hereinafter appointed, shall die, depart this Province, or remove from the parish for which they are or shall be nominated, or who after the space of three months after the ratification of this Act, or commencement of his office, shall desire to be discharged from the said duty of commissioner, by petition exhibited to the Governour and Council, that then and in every such case, the remaining commissioners, and if no commissioner, then any ten of the inhabitants of that parish, shall apply to the Governour and Council for the time being, who are hereby empowered to appoint new commissioners, from time to time, upon such application, in the room of all such commissioners as shall dye or depart

the Province or parish as aforesaid, or who after the said space of three months after the commencement of his office, shall petition to be discharged in manner aforementioned, any thing herein before contained, to the contrary notwithstanding.

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Nomination of
commissioners

IX. *And be it further enacted* by the authority aforesaid, That for the putting this Act in execution, the following commissioners are hereby nominated and appointed for the several parishes and districts within this Province, that is to say, for the district of Port Royal company, Colonel Nathaniel Barnwell, Thomas Wigg and Richard Woodward, Esqrs.; for the district of St. Helena company, Mr. Richard Reynolds, Mr. John Fripp and Mr. Jonathan Norton; for the district on the Hoospa Neck or the Indian Land, Mr. Hugh Bryan, Mr. John Mullryne and Mr. Jonathan Bryan; for the district of Chehaw and Combee company, Benjamin Clifford, Peter Girardeau and John Bowrey; for the upper district on the west side of Pon Pon, Mr. Laurance Saunders, Samuel Sleigh and Wm. Brown; for the lower district on the west side of the said river, Mr. William Jackson, Mr. Thomas Burr and Mr. John Cooke; for the district on the east side of the said river, Capt. John Bull, Capt. John Bee and Mr. James Bullock; for the district of Edisto Island, Mr. William Eddings, Mr. Paul Hamilton and Mr. John Jenkins; for the district of Wadmelow Island, Mr. William Heckins, Mr. John Davis and Robert Sams; for the district of John's Island, Col. John Gibbes, Mr. John Stanyarne and Col. Hext; for the district of Stono, Mr. Benjamin Williamson, Mr. Robert McKewn and Mr. Thomas Miles; for the district of Beach Hill, Major Richard Bedon, Mr. Edward Perry, Mr. Henry Saltus; for the district of St. George's, Mr. John Williams, Mr. Richard Waring and Capt. Richard Baker; for the district of Ashley river, Mr. Roger Saunders, Mr. William Cattle and Mr. William Fuller; for the district of James Island, Mr. John Hyrne, Mr. William Chapman and Mr. William Scriven; for the upper district of St. James Goose creek, Mr. Francis Cordes, Mr. Abraham DuPont and Mr. Peter May; for the lower district of the said parish, Mr. Thomas Bullen, Mr. Edward Keating and Mr. Hugh Grange; for the lower district of St. John's parish, Capt. Nathaniel Broughton, Mr. Francis LeJau and Mr. Rene Ravenel; for the upper district of the said parish, Mr. James LeBas, Capt. Robert Taylor and Capt. Thomas Ferguson; for the upper district of St. Thomas and St. Dennis' parish, Mr. James Akin, Mr. Francis Pagit and Mr. Samuel Simmons; for the lower district of the said parish, Mr. John Daniel, Mr. Abjiah Russ and Mr. John DuTart; for the upper district of Christ Church parish, Mr. Elias Foissin, jr. Mr. John Huggins and Mr. Robert Fladger; for the lower district of the said parish, Capt. John Vanderhost, Mr. Thomas Barksdale and Mr. Richard Fowler; for the upper district of St. James Santee, Col. William Waities, Mr. William Drake and Mr. Edward Thomas; for the lower district of the said parish, Col. John Gendron, Mr. Noah Serre and Mr. Abraham Salus; for Georgetown and Waccamaw Neck, Captain William Whiteside, Major George Pawley and Mr. William Poole; for the district of Black river, Mr. Meredith Hughes, Mr. William Swinton and Captain Anthony White; for the district of Santee in Prince Frederick parish, or Captain Meshew's company, Capt. Abraham Meshew, Mr. Peter Johnson and William Newman; for the parish of St. Phillips, Charlestown, Col. Samuel Prioleau, Capt. Garret Vauvelsen and Captain Isaac Holmes.

X. *And be it further enacted* by the authority aforesaid, That until the several commissioners herein nominated, shall be able to enlist the number of men hereby required to perform the patrol service in

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Commissioners
may fill up
patrols by
draughts of the
inhabitants.

Penalty for
neglect.

Persons exemp-
ted from patrol
duty.

Substitutes.

Appropriation
of fines and
forfeitures.

Stolen goods to
be delivered to
a commis-
sioner.

their several parishes and districts, or in case of any default or want of such enlisted patrol during the continuance of this Act, the captains of the several companys of militia, and in case of their sickness, death or absence, the next commanding officer for the time being, are hereby impowered and required, to draught out of such of the inhabitants of their respective parishes and districts, (not having an enlisted patrol) as are obliged to appear in the militia, as well on alarms as at common musters, a commander and a sufficient party of men, not exceeding fifteen in number, to serve as patrols for the space of two months, and upon expiration of their service, to draught out another party, of the same number, to serve for the same time, and so on in a successive and regular order as they appear upon the muster roll, of horse and foot, (inclusive of such persons who are only bound to muster at times of alarm;) and if the said captains or the next commanding officers, shall on the vacancy of a patrol in any parish or district, neglect or refuse to supply the same by draughted patrols from among the inhabitants in manner aforesaid, each of the said captains, or the next commanding officers, for every such neglect or refusal, for the space of ten days after such vacancy happens, shall forfeit the sum of twenty pounds current money, to be recovered by warrant under the hand and seal of any of his Majesty's justices of the peace within their respective countys, one half of which forfeitures shall go to the informant, and the other half to the poor of the parish; and the said draughted patrols for the time being, shall be subject to the same dutys, penaltys and attendance, as if they were actually and voluntarily enlisted as aforesaid: Provided always, that nothing herein before contained shall be construed or intended to subject any of the members of his Majesty's honourable Council, or of the Commons House of Assembly, or their officers or servants, the publick treasurer, the powder receiver, the commissary general, the comptroller of the country duty, for the time being, or any ministers of the gospel, or any of his Majesty's officers, commissioned by virtue of his Majesty's sign manuel, or any judges or custom house officers, to serve upon any patrol duty; any thing herein before contained, to the contrary notwithstanding.

XI. *And be it further enacted* by the authority aforesaid, That the commanders of the draughted patrol, shall be appointed by the captain of the militia, or other commanding officer who makes the draught, by writing under his hand and seal: Provided also, that any person or persons so draughted as aforesaid, shall have liberty to send a white man to ride patrol in his room, and perform the other dutys required of the patrols, provided such man be a free man, who hath a freehold of fifty acres of land, or pays forty shillings in the provincial tax.

XII. *And be it further enacted* by the authority aforesaid, That all fines, penaltys and forfeitures by this Act laid or imposed, and not herein before disposed of, nor the method directed how the same shall be levied, all such fines, penaltys and forfeitures, shall be levied by warrant or warrants under the hands and seals of the commissioners, directed to any constable of that parish where such penalties, fines or forfeitures shall arise, who is hereby required to put the same in execution, and the same when levied, shall be applied to the use of the patrols severally and respectively, as the said commissioners shall order and direct.

XIII. *And be it further enacted* by the authority aforesaid, That if the said patrols shall meet with any stolen goods, or goods suspected to be stolen, in the possession of any negroes or other slaves, they shall deliver the said goods to one of the commissioners of that parish or district, taking from him a receipt for the same, in order to convict the said slaves, and that the goods may be restored to the owner.

XIV. *And be it further enacted* by the authority aforesaid, That any militia officer, on notice of any cabal or meeting of negroes, shall have power immediately to summon any number of men belonging to his company to disperse such negroes, and every man neglecting to appear at the time and place appointed by such officer, shall be subject to the fines and penalties as for non appearance at common musters, according to the militia law. A. D. 1737.
Militia officers
to give aid.

XV. *And be it further enacted* by the authority aforesaid, That if any commissioner, commander, constable or patrol man, shall be sued, arrested or impleaded for any matter or thing which he shall do by virtue of, or in pursuance of this Act, it shall and may be lawful for every such commissioner, commander, constable or patrol man, to plead the general issue, and to give this Act and the special matter in evidence on the trial; and if a verdict shall pass against the plaintiff or plaintiffs, or that such plaintiff or plaintiffs shall suffer a non suit, or discontinue his or their action or suit, then in every such case, the court shall tax and allow double costs to the defendant or defendants in every such suit or action. General issue
may be pleaded
and this Act
given in evi-
dence.

XVI. *And be it further enacted* by the authority aforesaid, That the said patrols, when established or draughted by virtue of this Act, shall at all times when they are upon duty, have their ferriage free over all the ferries that are, or shall be established in this Province, over which they may have occasion to pass in performance of their duty: provided always, that this Act and every thing herein contained, shall continue in force for the space of three years, and from thence to the end of the next sessions of the General Assembly, and no longer, any thing herein before contained, to the contrary notwithstanding. Patrols to pass
free of ferriage.

Limitation
three years.

C. PINCKNEY, *Speaker.*

In the Council Chamber, the 12th day of February, 1736-7.

Assented to: THOS. BROUGHTON.

AN ACT for continuing Broad-street in Charlestown, to Ashley river, and for appointing and empowering Commissioners to execute the same, and to receive voluntary contributions for that purpose. No. 618.

(Passed February 12th, 1736-7. *See last volume*)

AN ACT TO ENABLE THE COMMISSIONERS HEREIN NAMED TO STAMP AND SIGN CERTAIN ORDERS, TO THE AMOUNT OF THIRTY-FIVE THOUSAND AND TEN POUNDS CURRENT MONEY OF THIS PROVINCE, FOR THE PUTTING THIS PROVINCE IN A POSTURE OF DEFENCE, THE BETTER TO ENABLE THEM TO SUPPORT AND DEFEND THE COLONY OF GEORGIA AGAINST ANY ATTACKS FROM HIS MAJESTY'S ENEMIES, AND FOR THE SPEEDY FINISHING THE CURTAIN LINE BEFORE CHARLESTOWN. No. 619.

FORASMUCH, as his Majesty's Government of this Province have lately received advice of an invasion, intended and formed against the Colony of Georgia, by some of his Catholic Majesty's subjects and some Preamble.

A. D. 1737.

Indian enemies in conjunction with them, and his Brittanick Majesty's faithful subjects of this Province being heartily disposed to resist and defeat all attempts that may be made against his said Majesty's dominion and rights in the said Province, by any of his Majesty's enemies whatever, but are unable at this conjuncture to raise a supply sufficient for the carrying on such expensive preparations as may be speedily necessary on this occasion, over and above the ordinary charges and expences of the publick; to the end, therefore, that provision may be made with all imaginable speed for the defence and security of the said Colony of Georgia, we humbly pray his most sacred Majesty that it may be enacted,

I. *And be it accordingly enacted*, by the Honourable Thomas Broughton, Esquire, his Majesty's Lieutenant Governour and Commander-in-chief in and over this Province, by and with the advice and consent of his Majesty's Honourable Council and the Commons House of Assembly of the said Province, and by the authority of the same, That it shall and may be lawful to and for the commissioners hereinafter named, and the said commissioners are hereby required with all convenient speed to procure two certain sets of orders to be stamped, amounting together to the sum of thirty-five thousand and ten pounds current money of this Province, and no more; viz: one thousand nine hundred and forty-five orders of the denomination of six pounds each; and one thousand nine hundred and forty-five other orders of the denomination of twelve pounds each.

II. And that the said orders may be the better known to be the orders warranted by this Act, it is hereby *enacted and directed*, That the said orders, with some additional signatures and devices, such as the said commissioners shall think proper, shall be in the words of the following tenor, viz:—

“ SOUTH CAROLINA.

Number (———.)

Tenor of the
orders.

“ This order, for the term of five years after date, will intitle the bearer “ hereof to the credit of ——— pounds current money of this Province, “ in discharge of taxes or duties; and shall be received in payment for so “ much by the collectors of the general taxes or by the Publick Treasurer “ on account of any taxes or duties whatever, (duties on negroes imported “ only excepted;) dated the ——— day of ———, in the year of our Lord “ one thousand seven hundred and thirty ———, and in the tenth year of “ the reign of our sovereign Lord King George the second.”

III. *And be it further enacted* by the authority aforesaid, That the said orders when so stamped and prepared, shall be regularly numbered, and shall be signed by each of the commissioners with his name subscribed thereto; and after a deduction of so much as will discharge the expence of stamping the same, shall all immediately be lodged with the Publick Treasurer by the said commissioners.

To be issued by
the Treasurer
and for what
purposes.

IV. *And be it further enacted* by the authority aforesaid, That the said orders after they are stamped, signed and lodged in the treasury as aforesaid, shall be issued by the said Treasurer in the following manner and not otherwise, that is to say, those orders to be paid to or for the use of the fortifications, shall be drawn by the commissioners on fortifications or a majority of them, countersigned by the commissary general; and those to be paid to or for the use of the officers, soldiers and others under the command of Col. Hext, and their stores and provisions, and to the use of the officers and men on board the schooner Ranger, shall be drawn for by the respective commanding officers and countersigned by the commissary; and also those to be paid to or for the use of the officers, men and stores and provisions on board the snow Don Carlos, and all other contingencies relating

Orders to be
provided and
stamped to the
amount of
£35,010 cur-
rency.

to the present expeditions on foot, be drawn for by the commissary, any thing to the contrary notwithstanding. A. D. 1737.

V. *And be it further enacted* by the authority aforesaid, That the said orders or any of them issued as aforesaid, shall at any time for the space of five years after the passing of this Act, be *pro tanto* deemed and accepted as good, legal and current payment to the Publick Treasurer or the collectors of taxes within this Province, in discharge of any publick taxes or duties, or any arrears of taxes or duties, (duties on negroes imported only excepted.) To pass current during five years.
Exception.

VI. *And be it further enacted* by the authority aforesaid, That the Honourable James Kenlock, Esq. John Champneys, Anthony Matthews, John Dart and Isaac Mazyck, Esquires, be and they are hereby appointed commissioners for the stamping, numbering and signing the said orders; and inasmuch as the said orders are wholly intended and allotted to provide for the security and defence of this Province, and the better to enable them to support the Colony of Georgia upon this present emergency, the said commissioners are hereby directed to fulfil the said duty of stamping, numbering and signing the same without any fee or reward whatever. To be applied to the use of this Province and in support of the Colony of Georgia.

VII. *And for the better prevention of mistakes in the execution of this Act, It is hereby further enacted* by the authority aforesaid, That the commissary of this Province do from time to time, and the said commissary is hereby required from time to time to countersign and examine such draughts directed as aforesaid to the Treasurer for the issuing of the said orders or any of them, and the Treasurer is hereby required to file every draught that shall be made upon him in manner aforesaid, and to enter in a particular book an account of all sums in orders that shall be issued by him in pursuance of the said draught; and the said commissary and Treasurer shall severally and respectively be allowed the sum of two hundred pounds current money each, to be provided for in the next ensuing general tax in lieu of all their services in the execution of this Act. To be examined and countersigned by the Commissary.

VIII. *And be it further enacted* by the authority aforesaid, That in case there should be any surplus remaining of the said orders in the hands of the Treasurer not issued nor drawn for in manner aforesaid after a twelve-month shall be elapsed from the passing of this Act, that then the said surplus shall not be drawn for nor issued by the said Treasurer, but by the further direction of the General Assembly; any thing herein before contained to the contrary notwithstanding. Case of there being a surplus not issued.

IX. *And be it further enacted* by the authority aforesaid, That the said orders, or so much of them as shall be issued as aforesaid, at any time before a twelve month shall expire from and after the passing of this Act, shall be deemed and taken to be a debt due from the publick of this Province to the several possessors of the said orders, and the same shall be paid off and sunk by a general tax to be levied and raised equally and rateably by annual assessments in the five next ensuing general taxes of this Province; provided now and at all times, that if any of the said orders shall be issued or drawn for the use of fortifications, that then so much of the said orders as shall be drawn or issued for that use, shall be deemed a charge on the fund already appropriated for the use of fortifications, and the same shall be paid off and sunk by the income of the said fund regularly and successively, and shall not be chargeable in the general taxes. The public debt founded on these orders to be sunk by a general tax.

X. And that the said orders may be duly sunk and cancelled in the space of five years from the passing of this Act, *Be it further enacted* by the authority aforesaid, That the Publick Treasurer do, and the said file so much of these orders as are provided for. Public Treasurer shall annually cross and file so much of these orders as are provided for.

A. D. 1736.

quantity of the said orders issued as shall be provided for in each year's tax bill; and that the said Treasurer, on the income of duties appropriated for fortifications, do cross and file, or procure to be crossed and filed, such a quantity of the said orders as shall be equal to the income of the said fund, until so much in orders be crossed and filed from the income of the said fund, as shall be issued in such orders to the use of fortifications; and all such orders so crossed and filed by the Treasurer, shall be carefully kept, and not reissued on any pretence whatever, but be yearly burnt to ashes in the presence of a committee of both houses of the General Assembly.

Penalty on
forging orders.

XI. *And be it further enacted* by the authority aforesaid, That if any person shall be guilty of forging or counterfeiting any of the said orders by this Act directed to be issued, or shall be guilty of uttering any false or counterfeit orders in similitude of them, knowing the same to be false, every such person and his aiders and assistants in such an offence, shall be deemed to be guilty of felony without benefit of clergy, and shall suffer death as a felon; any law, usage or custom to the contrary notwithstanding.

A front wall or
curtain line to
be built before
Charleston.

XII. And whereas, it is highly probable that in case the said intended invasion against the Colony of Georgia should take effect, that the said invaders may extend their views and make an attempt against this Province, it is therefore necessary, immediately to put Charlestown in a posture of defence; and whereas, by an Act of the General Assembly of this Province, entituled an Act for repairing the old and building of new fortifications in Charlestown, for the security and defence of this Province, &c. ratified the twenty-ninth day of May, one thousand seven hundred thirty and six, it is amongst other things provided, that the owners and proprietors or persons claiming lots, shall have liberty to complete and finish such part of the front wall or curtain line, as lie or happen to be before their respective lotts, at any time or times within eighteen months after the ratification of the said recited Act; and whereas, the received advice mentioned in this Act of an invasion intended and formed against this Province and the Colony of Georgia as aforesaid, make it necessary to have the said front wall or curtain line before Charlestown forthwith built and completed, *Be it therefore enacted* by the authority aforesaid, That if the several persons obliged by any law now in force in this Province, to repair and build the said front wall or curtain line before Charlestown, fronting Cooper river, shall not give satisfactory assurances to the commissioners appointed in the above recited Act, within fifteen days after the ratification of this Act, that they will immediately begin and prosecute the same so as to finish the said wall or curtain line in two months after the passing of this Act, that then the said commissioners or any four of them, shall forthwith, and they are hereby impowered and directed, to pursue the directions of the before recited Act, to build and complete the said wall and curtain line, in like manner as if the limited time of eighteen months, mentioned therein, had been expired; any thing in the above recited Act or any other Act in force in this Province to the contrary notwithstanding.

C. PINCKNEY, *Speaker.*

In the Council Chamber, the 5th day of March, 1736-7.

Assented to : THOS. BROUGHTON.

A. D. 1737.

AN ADDITIONAL ACT to an Act entitled an Act for the keeping and maintaining a Watch and good order in Charlestown. No. 620.

(Passed March 5th, 1736-7. See last volume.)

AN ACT FOR REGULATING THE GUARD AT JOHNSON'S FORT, AND FOR KEEPING GOOD ORDERS IN THE SEVERAL FORTS AND GARRISONS UNDER THE PAY AND ESTABLISHMENT OF THIS GOVERNMENT, AND FOR ENCOURAGING THE SEVERAL OFFICERS AND SOLDIERS THEREIN. No. 621.

FORASMUCH as it is highly necessary that good order and discipline should be kept and maintained in the several garrisons and forts of this Province, as well to prevent mutiny among the soldiers as to make them useful for a military service; we therefore humbly pray your most sacred Majesty that it may be enacted, Preamble.

I. *And be it accordingly enacted*, by the Honourable Thomas Broughton, Esquire, your Majesty's Lieutenant Governour and Commander-in-chief in and over this your Majesty's Province of South Carolina, by and with the advice and consent of your Majesty's Honourable Council and the Commons House of Assembly of the said Province, and by the authority of the same, That there be a constant guard kept and established in the fort commonly called Johnson's Fort, which shall consist of a commander, duely commissioned for that purpose, and of one serjeant, and of six able, effective white men, not under the age of eighteen years nor above the age of sixty years, to be enlisted by the commander and approved by the commissary for the time being; which said men shall duly attend and keep watch in the said fort, and shall from time to time keep the said fort and the ordnance, arms and ammunition therein, in good order and condition; and the commander shall oversee the same, and give his personal attendance there every night in the year, and shall from time to time observe and perform all such orders and directions for the managing and keeping the said guard, and for the exercise of his duty in the said fort, as he shall receive from the Governour or Commander-in-chief for the time being, by and with the advice and consent of his Majesty's honourable Council, under a penalty of being mulcted of his pay, or of such part thereof, for any neglect or default, in such manner as the Governour and Council shall think fit. A Guard of one Sergeant and six white men ordered at the Fort.
Commander to oversee the same.

II. *And be it further enacted* by the authority aforesaid, That the said commander, besides the pay to be yearly provided for him in the annual estimate, shall be allowed, for his further encouragement, per annum, two barrels of beef, twelve bushels of corn, and one hundred weight of rice, to be provided by the commissary for the time being, to the said commander; and the like quantity and allowance to each man under his command, in the said service, respectively. And every master of a vessel that shall come into the port or harbour of Charlestown, on producing his let-pass to the commander of the said fort, shall be liable to pay him the same fees as are provided by the Act for ascertaining public officers' fees. Extra allowance to the commander.
Fees from masters of vessels.

III. *And be it further enacted* by the authority aforesaid, That the said fort shall in times of alarm be the place of rendezvous for the militia

A. D. 1737.

The rendez-
vous in case of
alarm to be at
the fort.

company of James Island, who are hereby required to appear there at such a time with their respective officers, and to observe there such orders and directions as shall be given them by the Governour or Commander-in-chief for the time being.

Penalty for
disobedience.

IV. And for the better maintaining a good discipline in the said fort, as well as in the other forts and garrisons in the pay and upon the establishment of this Province, *Be it further enacted* by the authority aforesaid, That all enlisted private men in the said fort, or any other fort or garrison of this Province, who shall not from time to time observe and keep all such orders, commands and directions which shall at any time be given them by their officers or commanders, relating to their service in the said forts respectively, shall for every neglect, disobedience or refusal, be subject to the punishment of whipping, not exceeding twenty lashes at a time, unless otherwise ordered by the Commander-in-chief for the time being, by and with the advice and consent of his Majesty's honourable Council, who may proceed to try and punish the said soldiers and men for any offence committed by them, according to the rules and articles of war established by Act of Parliament in Great Britain.

Keepers of
punch-houses
not to credit
soldiers with-
out leave.

V. And whereas, several people, keeping punch houses, have entertained the soldiers and private men belonging to the said forts and garrisons, and have suffered them to tittle and get drunk, and often credited them for more than they were able to pay, whereby they have been debauched into too great a neglect of their duty, and have sometimes departed from the publick service; *Be it therefore further enacted* by the authority aforesaid, That if any person keeping a punch house, or retailing rum or other liquor, shall entertain, harbour or credit any soldier or private man enlisted in the service of any fort or garrison of this Province, without leave first had from the commander, every person so offending shall, for every time he or she shall be thereof convicted before any neighbouring justice of the peace, forfeit the sum of forty shillings proclamation money, besides the money so credited, to be applied to the use of the said fort in which such soldier is enlisted.

Muster rolls to
be made out for
every fort and
garrison.

VI. *And be it further enacted* by the authority aforesaid, That for the future every commander of the several forts and garrisons in this Province shall twice every year, viz. on the twenty-fifth day of March and the twenty-ninth day of September, and at no other time, make out a muster roll, in due form, and also enter in the margin thereof, against each man's name, the number of the certificate referring to such muster roll, and triplicates thereof shall be immediately transmitted, one to his Excellency the Governour, or Commander-in-chief for the time being, one other to the publick treasurer, and a third to the commissary for the time being; and the publick treasurer shall every year prepare printed certificates, with such devices as he shall think most effectual for the prevention of counterfeits, and shall take care to deliver timely to each commander a sufficient number of such certificates to make out two muster rolls, and no more; and the said certificates are to be indented, and the counterparts kept on a file in the treasurer's office.

Form of certi-
ficate.

VII. *And be it further enacted* by the authority aforesaid, That the words of the said certificates shall be as follows, viz.
 "Fort ———, Muster Roll of the ———, day of ———, Anno ———,
 "It is hereby certified that A. B. has served at ———, from the ——— day of
 "—— to the ——— instant, for which service there is due to the said A.B.,
 "or order, ——— pounds, current money of this Province, payable out of
 "the money raised or to be raised for discharging the publick debts for the

"said time; and this certificate shall be taken in payment of tax, for the
"full value above expressed, pursuant to law. A. D. 1737.

J. S., *Commander*
C. D., *Lieut. or Serj't.* } of Fort ———.

(*Number in the Margin of the Muster Roll, ———.*)

And the several commanders in the publick service shall constantly fill up the said certificates on the day next after the date of the muster roll, and at no other time (except as herein after excepted) and shall sign the same, and shall cause the lieutenant or serjeant to sign with him, and immediately deliver one to each man returned on the muster roll.

VIII. *And be it further enacted* by the authority aforesaid, That all commanders and other officers concerned in making out muster rolls and filling up or signing certificates shall, before they make out any such muster roll or sign any certificate, be sworn on the holy evangelists, before any of his Majesty's justices of the peace, who are hereby required to administer the same without fee or reward, to the faithful discharge of the trust in him or them reposed. And in case any commander shall fraudulently make a false return in a muster roll, or sign a false certificate, to the prejudice of the publick, he shall forfeit all his pay, be dismissed the service, and be rendered forever incapable of holding any place of trust in this Province; any thing to the contrary notwithstanding. Officers making out muster rolls to be sworn.

Penalty for fraud in this respect.

IX. And for the better regulating and adjusting the publick accounts relating to the forts and garrisons, *it is further enacted* by the authority aforesaid, That no person shall be enlisted as a soldier in the publick service for a shorter time than six months, nor otherwise than conformable to the periods of time aforementioned for making out of muster rolls; and in case any soldier dies in the service, the captain is hereby empowered and required to fill up a special certificate, expressing the day he died; and the vacancy happening by any such person's decease, is not to be filled until the next period for making out a muster roll, unless special directions be given for that purpose by the commander-in-chief for the time being, when several vacancies shall weaken the garrison. Period of enlistment.

Soldiers dying.

X. *And be it further enacted* by the authority aforesaid, That all certificates made out and signed as before directed, shall at the request of the bearer thereof be attested by the publick treasurer, without fee or reward; and shall from time to time be taken in payment by the publick treasurer, collector or collectors appointed to receive the publick tax. Certificates to be attested by the treasurer.

XI. *And be it further enacted* by the authority aforesaid, That when the publick treasurer shall have collected moneys raised by publick taxes or otherwise, for discharging and paying the forts and garrisons, he shall duly advertise the same, and order all certificates to be brought in to be discharged within the space of three months at farthest. Certificates to be brought in.

XII. *And be it further enacted* by the authority aforesaid, That this Act, and every matter and thing therein contained, shall continue in force for three years, and from thence to the end of the next sessions of the General Assembly, and no longer; any thing herein before contained to the contrary notwithstanding. Limitation of this Act.

C. PINCKNEY, *Speaker.*

In the Council Chamber, the 5th day of March, 1736-7.

Assented to: THOS. BROUGHTON.

A. D. 1737.

- No. 622. AN ACT for the better regulating the Court of Common Pleas to be holden on every second Tuesday in February, May, August and November, yearly and every year, being the antient times heretofore appointed for holding the said Court.

(Passed March 5, 1736-7. *See last volume.*)

- No. 623. AN ACT FOR PUTTING IN FORCE IN THIS PROVINCE PART OF AN ACT OF THE PARLIAMENT OF ENGLAND, MADE IN THE FIFTH AND SIXTH YEARS OF THE REIGN OF KING EDWARD THE SIXTH, AGAINST BUYING AND SELLING OF OFFICES, AND ALSO PART OF AN ACT OF THE PARLIAMENT OF GREAT BRITAIN MADE IN THE SECOND YEAR OF THE REIGN OF OUR PRESENT MOST GRACIOUS SOVEREIGN LORD KING GEORGE THE SECOND, ENTITULED "AN ACT FOR THE MORE EFFECTUAL PREVENTING AND FURTHER PUNISHMENT OF FORGERY, PERJURY AND SUBORNATION OF PERJURY, AND TO MAKE IT FELONY TO STEAL BONDS, NOTES OR OTHER SECURITIES FOR PAYMENT OF MONEY," AND ALSO PART OF ONE OTHER ACT OF THE PARLIAMENT OF GREAT BRITAIN, MADE IN THE SEVENTH YEAR OF THE REIGN OF HIS SAID PRESENT MAJESTY, ENTITULED "AN ACT FOR THE MORE EFFECTUAL PREVENTING THE FORGING THE ACCEPTANCE OF BILLS OF EXCHANGE, OR THE NUMBERS OR PRINCIPAL SUMS OF ACCOUNTABLE RECEIPTS FOR NOTES, BILLS OR OTHER SECURITIES FOR PAYMENT OF MONEY OR WARRANTS OR ORDERS FOR PAYMENT OF MONEY OR DELIVERY OF GOODS, AND FOR THE MORE EFFECTUAL PUTTING IN EXECUTION THE SAID SEVERAL ACTS IN THIS PROVINCE.

Preamble.

FOR the avoiding of corruption which may hereafter happen to be in the officers and ministers of those courts, places or rooms, wherein there is requisite to be had the true administration of justice, or services of trust, and to the intent that persons worthy and meet to be advanced to the place where justice is to be ministered, or any service of trust executed, should hereafter be preferred to the same and no other, we therefore pray your most sacred Majesty that it may be enacted,

The buying
and selling of
offices forbid-
den.

I. *And be it accordingly enacted* by the Honourable Thomas Broughton, Esquire, Lieutenant Governour and Commander-in-chief, in and over this Province of South Carolina, by and with the advice and consent of his Majesty's Honourable Council and the Assembly of this Province, and by the authority of the same, That if any person or persons at any time hereafter, bargain or sell any office or offices, or deputation of any office or offices, or any part or parcel of any of them, or receive, have or take any money, fee, reward or any other profit, directly or indirectly, or take any promise, agreement, covenant, bond, or any assurance to receive or have any money, fee, reward or other profit, directly or indirectly, for any office or offices, or for the deputation of any office or offices, or any part of any of them, or to the intent that any person should have, exercise or enjoy any office or offices, or the deputation of any office or offices, or any part of any of them, which office or offices or any part or

parcel of them, shall in any wise touch or concern the administration or execution of justice, or the receipt, controulment or payment of any of his Majesty's treasure, money, rent, revenue, account, auditorship or surveying of any of the King's Majesty's lands, tenements, woods or hereditaments, or the keeping of any of the King's Majesty's castles or fortresses, being used, occupied or appointed for a place of strength and defence, or which shall touch or concern any clerkship to be occupied in any manner of court of record wherein justice is to be ministered, that then all and every such person and persons that shall so bargain or sell any of the said office or offices, deputation or deputations, or that shall take any money, fee, reward or profit for any of the said office or offices, deputation or deputations of any of the said offices, or any part of any of them, or that shall take any promise, covenant, bond or assurance for any money, reward or profit to be given for any of the said office or offices, deputation or deputations of any of the said office or offices, or any part of any of them, shall not only lose and forfeit all his and their right, interest and estate, which such person or persons shall then have of, in, or to any of the said office or offices, deputation or deputations, or any part of any of them, or of, in, or to the gift or nomination of any of the said office or offices, or for the deputation or deputations of which office or offices or for any part of any of them, any such persons shall so make any bargain or sale, or take or receive any sum of money, fee, reward or profit, or any promise, covenant, bond or assurance to have or receive any fee, reward, money or profit; but also that all and every such person or persons that shall give or pay any sum of money, reward or fee, or shall make any promise, agreement, bond or assurance for any of the said offices, or for the deputation or deputations of any of the said office or offices, or any part of any of them, shall immediately, by and upon the same fee, money or reward given or paid, or upon any such promise, covenant, bond or agreement, had or made for any fee, sum of money or reward, to be paid as is aforesaid, be adjudged a disabled person in the law to all intents and purposes, to have, occupy or enjoy the said office or offices, deputation or deputations, or any part of any of them, for the which any such person or persons shall so give or pay any sum of money, fee or reward, or make any promise, covenant, bond or other assurance to give or pay any sum of money, fee or reward.

A. D. 1737.

Penalty.

II. *And be it also enacted* by the authority aforesaid, That all and every such bargains, sales, promises, bonds, agreements, covenants and assurances, as be before specified, shall be void to and against him and them by whom any such bargain, sale, bond, promise, covenant or assurance shall be had or made; provided always, that this Act or any thing therein contained shall not in any wise extend to any office or offices whereof any person or persons is or shall be seized of any estate of inheritance; provided also, that if any person or persons do hereafter offend in any thing contrary to the tenor and effect of this Act, yet that notwithstanding, all judgements given and all other Act and Acts executed or done by any such person or persons so offending, by authority or colour of the office or deputation which ought to be forfeited, or not occupied, or not enjoyed, by the person so offending as is aforesaid, after the said offence so by such person committed or done, and before such person so offending for the same offence be removed from the exercise, administration and occupation of the said office or deputation, shall be and remain good and sufficient in law to all intents, constructions and purposes, in such like manner and form as the same should or ought to have remained and been if this Act had never been had or made.

Not to extend to offices of inheritance.

Acts done by a delinquent officer not avoided.

A. D. 1727.

Forging or
counterfeiting
any deeds, &c.

III. And whereas, the wicked, pernicious and abominable crimes of forgery, perjury and subornation of perjury, have of late time been so much practised, to the subversion of common truth and justice, and prejudice of trade and credit, that it is necessary, for the more effectual preventing of such enormous offences, to inflict a more exemplary punishment on such offenders than by the laws of this Province can now be done, *Be it further enacted* by the authority aforesaid, That if any person, from and after the twenty-fifth day of March, in the year of our Lord one thousand seven hundred and thirty-seven, shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly act or assist in the false making, forging or counterfeiting, any deed, will, testament, bond, writing obligatory, bill of exchange, promissory note for payment of money, endorsement or assignment of any bill of exchange, or promissory note for payment of money, or any acquittance or receipt, either for money or goods, or any acceptance of any bill of exchange, or the number or principal sum of any accountable receipt for any note, bill or other security for payment of money, or any warrant or order for payment of money or delivery of goods, with intention to defraud any person whatsoever, or shall utter or publish as true any false, forged or counterfeited deed, will, testament, bond, writing obligatory, bill of exchange, promissory note for payment of money, endorsement or assignment of any bill of exchange or promissory note for payment of money, acquittance or receipt either for money or goods, or any acceptance of any bill of exchange, or the number or principal sum of any accountable receipt for any note, bill or other security for payment of money, or any warrant or order for payment of money or delivery of goods, with intention to defraud any person, knowing the same to be false, forged or counterfeited, then every such person, being thereof lawfully convicted, according to the due course of law, shall be deemed guilty of felony, and shall suffer death as a felon, without benefit of clergy.

Penalty.

Persons for-
sworn may be
committed to
the house of
correction.

IV. And the more effectually to deter persons from committing wilful and corrupt perjury or subornation of perjury, *Be it further enacted* by the authority aforesaid, That besides the punishment already to be inflicted by law for so great crimes, it shall and may be lawful for the Court or Judge before whom any person shall be convicted of wilful and corrupt perjury or subornation of perjury, according to the laws now in being, to order and send such person to the house of correction, there to be kept to hard labour for any term or time, not exceeding the term of seven years.

Documents
obtained by
robbery.

V. *And be it further enacted* by the authority aforesaid, That if any person or persons, after the said twenty-fifth day of March, one thousand seven hundred and thirty-seven, shall steal, or take by robbery, any bond, warrant, bill or promissory note, for the payment or securing the payment of any money, being the property of any other person or persons, or of any corporation, notwithstanding any of the said particulars are termed in law a chose in action, it shall be deemed and construed to be felony, of the same nature and in the same degree, and with or without the benefit of clergy, in the same manner as it would have been if the offender had stolen or taken by robbery, any other goods of the like value with the money due on such bill, bond, warrant or note, or secured thereby and remaining unsatisfied; and such offender shall suffer such punishment as he or she should or might have done, if he or she had stolen other goods of the like value with the moneys due on such bond, warrant, bill or note respectively, or secured thereby and remaining unsatisfied; any law to the contrary thereof in any wise used notwithstanding.

VI. *And be it further enacted* by the authority aforesaid, That if any provost marshal, surveyor general of his Majesty's lands, or secretary of

this Province, or any of them, their or any of their assignees or deputies, who shall actually reside in this Province, shall receive, have or take any money for reward or any other profit, directly or indirectly; or take any covenant, bond, agreement, assurance or engagement whatsoever from their or any or either of their under-officers, deputies or substitutes, or any of them, to pay to the said provost marshal, surveyor general of his Majesty's lands, or secretary, or any of them, or their or any of their deputies who shall actually reside in this Province, any fee, perquisite, profit or reward, out of the fees, perquisites or profits which such under-officer, deputy or substitute may make or receive, by or out of such office or offices or any of them, or by reason of the deputation, substitution or appointment of such under-officer, deputy or substitute or any of them, every such provost marshal, surveyor general of his Majesty's lands, or secretary, and their and every of their deputies residing in this Province, shall forfeit for every such offence the sum of two hundred pounds proclamation money, one half to his Majesty, his heirs and successors, to be applied to the use of this Province by the direction of the General Assembly, and the other half to him or them who will sue for the same, by action of debt, bill, plaint or information, in any court of record in this Province, wherein no essoign, privilege, protection, wager of law, *non vult ulterius prosequi*, or any more than one imparlance, shall be admitted or allowed.

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Penalty on receiving any illegal present or perquisite.

VII. *And be it further enacted* by the authority aforesaid, That if any person, from and after the said twenty-fifth day of March, in the year of our Lord one thousand seven hundred and thirty seven, shall falsely make, forge, counterfeit, alter, change, deface or erase, or cause or procure to be falsely made, forged, counterfeited, altered, changed, defaced or erased, any of the records of this Province, or any plat or plats of land which is, are or shall be annexed and referred to in any grant or grants of lands in this Province, or which is, are or shall be lodged, entered or enrolled in the offices of the secretary, surveyor general of his Majesty's lands, or deputy auditor, or any other office for keeping records, in this Province, or either of them, or shall willingly act or assist in any of the premises, with intention to defraud any person whatsoever, which shall after the said twenty-fifth day of March, one thousand seven hundred and thirty-seven, be falsified, forged, counterfeited, altered, changed, defaced or erased, every such person, being thereof lawfully convicted, according to the due course of law, shall be deemed guilty of felony, and shall suffer death as a felon, without benefit of the clergy.

Forging, counterfeiting or altering any record.

VIII. *Provided always, and it is hereby further enacted* by the authority aforesaid, That no attainder for any offence hereby made felony, shall make or work any corruption of blood, loss of dower or disherison of heirs, or forfeiture of goods or chattels: *Provided also*, that nothing in this Act shall extend, or be construed to extend to subject the deputy or deputies of any person or persons actually residing in Great Britain or Ireland, who shall be appointed by commission, patent or otherwise, to hold any of the offices aforesaid, to any of the penalties inflicted by this Act, for only paying or allowing to their principal or principals residing in Great Britain, the several payments or allowances which such deputy or deputies have or hereafter shall agree to pay their principal or principals in the said office and offices.

This Act to work no attainder or corruption of blood.

Not to extend to residents in Great Britain.

C. PINCKNEY, *Speaker*.

In the Council Chamber, the 5th day of March, 1736-7.

Assented to: THOS. BROUGHTON.

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- No. 624. AN ACT for Establishing a Road from the head of the path that leads from Dorchester to Capt. Izard's Cowpen, to the Township of Orangeburgh.

(Passed March 5th, 1736-7. *See last volume.*)

- No. 625. AN ACT for building a Bridge over Ashepoo River.

(Passed March 5th, 1736-7. *See last volume.*)

- No. 626. AN ACT for keeping in repair the Road that leads from Westow Savannah to the Plantation of Capt. Peter Taylor, in St. Paul's parish, commonly called War Hall, and for continuing the said Road to the most convenient Road leading to Pon Pon River.

(Passed March 5th, 1736-7. *See last volume.*)

- No. 627. AN ACT to empower the Commissioners of the High-roads for the parish of St. John's, in Berkley county, and the several parishes of St. Thomas and St. Dennis, to rebuild and keep in repair a Bridge commonly called Huger's Bridge, on the Eastern branch of Cooper river, running between the said parish of St. John's and the said parishes of St. Thomas and St. Dennis, and for altering the bounds of the said parishes of St. Thomas and St. Dennis.

(Passed March 5th, 1736-7. *See last volume.*)

- No. 628. AN ACT FOR RAISING THE SUM OF THIRTY-FOUR THOUSAND ONE HUNDRED AND EIGHT POUNDS SIXTEEN SHILLINGS AND SIX PENCE, CURRENT MONEY OF THE PROVINCE OF SOUTH CAROLINA, FOR DEFRAYING THE CHARGES OF THE GOVERNMENT FOR ONE YEAR, COMMENCING THE TWENTY-FIFTH DAY OF MARCH, ONE THOUSAND SEVEN HUNDRED AND THIRTY-SIX, AND ENDING THE TWENTY-FIFTH DAY OF MARCH, ONE THOUSAND SEVEN HUNDRED AND THIRTY-SEVEN; AND FOR APPLYING THE SUM OF ONE THOUSAND POUNDS NOW IN THE HANDS OF THE PUBLICK TREASURER, THAT BEING THE SURPLUS OF THE COUNTRY TAX RAISED IN THE GENERAL TAX FOR THE YEAR ONE THOUSAND SEVEN HUNDRED AND THIRTY-FIVE.

Preamble. WHEREAS, it appears upon an estimate made of the charges of the Government, that the sum of thirty-four thousand one hundred and eight pounds sixteen shillings and six pence, in the present currency, will be wanting for defraying the same, we therefore pray your most sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Honour Thomas Broughton, Esquire, Lieutenant Governour, by and with the advice and consent of his Majesty's honourable Council and the Commons House of Assembly, and by the authority of the same, That a tax or sum of thirty-four thousand one hundred and eight pounds sixteen shillings and six pence, current money of this Province, be imposed and levied on the several inhabitants and owners of lands or slaves, stock and cash, within the same; that is to say, the sum of five thousand six hundred and eighty-four pounds sixteen shillings and one penny, part thereof, on the inhabitants of Charlestown, and the sum of twenty-eight thousand four hundred and twenty-four pounds five pence, residue thereof, on the several inhabitants of this Province without the said town plat; which said sum of thirty-four thousand one hundred and eight pounds sixteen shillings and six pence, shall be applied to the use of his Majesty for the support of this Government.

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Distributive
amount of
taxation.

II. And for the more certain and effectual levying thereof, *It is hereby enacted and declared*, That the sum of seventeen shillings and six pence current money, per head, be imposed and levied on all male white persons from the age of twenty-one to sixty years; and the master or owner of every indented white servant shall be obliged to pay the tax on his or her white servant, (but the newcomers settled in his Majesty's townships, are hereby exempted from payment of the said poll tax;) and the sum of twelve shillings and six pence current money, per head, on all negroes and other slaves whatsoever, within the limits of this Province; and the sum of seven shillings and six pence per hundred acres, on all lands throughout the said Province, (town lots without the limits of Charlestown plat excepted.)

Taxable prop-
erty enumera-
ted.

III. *And be it further enacted* by the authority aforesaid, That all persons whatsoever, who are possessed of any lands or slaves in this Province, either in their own right or in the right of any other person, or are liable to pay any tax by virtue of this Act, shall on or before the second Tuesday in April next ensuing, render a particular account thereof in writing, to the enquirers and collectors of the several parishes and places respectively, where the person who is to render such account does live and reside, and at such times and places as the said enquirers and collectors or any two of them shall direct or appoint for the doing thereof, so that the same be done on or before the said second Tuesday in April next; and the person so rendering his account, shall give in to the said enquirers and collectors the number of his slaves and the quantity of land that he is possessed of in this Province.

Taxables to
make returns.

IV. And whereas, there are divers tracts of land in this Province held, owned or claimed by persons not resident here, who pay no tax or other charge towards the support of the Government of this Province, *Be it further enacted* by the authority aforesaid, That all attorneys or trustees of or for any person or persons living or residing without the limits of this Province, shall make due and true return to the respective inquirers of such parish or district where such attorney or trustee lives or resides, of all lands belonging to such absent person for whom they are attorneys or trustees; and that such attorneys and trustees shall be subject and liable to pay the tax to become due by virtue of this Act, for such lands, out of his and their own proper estate, notwithstanding such attorney or trustee may renounce or disclaim acting as such before the said tax is paid or levied; and for levying whereof, the same remedies shall and are hereby given as for levying the tax to become due by virtue of this Act, on the proper estate of such attorney or trustee; or the collectors and enquirers of the several parishes respectively where any lands lye which are held or owned

Returns to be
made by attor-
nies & trustees.

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Proceedings
authorized to
levy the tax.

by any person or persons not resident in this Province, shall, and they are hereby authorized and empowered, directed and required, either to sell and dispose of any timber, lightwood or any other wood thereon standing, growing or being, to the amount or value of the tax such lands are liable to pay by virtue of this Act, or to let to farm all, any part or parcell of such land, without impeachment of waste, to any person or persons who-soever, for any term or time not exceeding four years, till the rents arising thereby shall be sufficient to pay the said tax, at the election of such collectors and enquirers, unless any person shall tender the tax money for such land; and all and every sale of such timber, lightwood or other wood, and leases of such lands as aforesaid, shall be and they are hereby declared good and valid, to all intents and purposes whatsoever; any law, statute, usage or custom to the contrary thereof in any wise notwithstanding.

Property of
non-residents,
who have no
agent or
trustee.

V. *And be it further enacted* by the authority aforesaid, That in case any tract of land shall be found by the inquirers, assessors or collectors to belong to any person or persons living and residing out of the limits of this Province, and who have no attorney or attorneys, trustee or trustees, legally constituted in this Province, that then and in such case the inquirers, collectors or assessors shall and they are hereby authorized and required to charge the said lands rateably and proportionably, according to the quantity of acres, and as if the same were in the actual possession of some person or persons living and residing within this Province, and forthwith to publish and give notice of such their charge or assessment in the Gazette, or by writing fixed at the church door of the parish where such lands shall be situate; and in case the sum or sums with which such lands shall be so charged as aforesaid, and the lawful interest thereof from the time of the assessment, made at the rate of ten per cent. per annum, shall not be paid to the assessors or collectors, or to the publick treasurer or receiver of this Province, within two years next after such notice shall be given as aforesaid, that then such lands shall be forfeited to his Majesty, and be deemed and taken as vacant lands; any law, usage or custom to the contrary thereof in any wise notwithstanding.

Inquirers and
collectors
nominated.

VI. *And be it further enacted* by the authority aforesaid, That the several persons hereinafter named, shall be enquirers and collectors for the several parishes hereafter mentioned respectively, viz: for the parish of St. Philips, Charlestown, without the limits of the town plat, Mr. William Smith and Mr. James Withers; for the parish of Christ Church, Mr. James Paine and Mr. George Oliver; for the parish of St. James, Goose Creek, Capt. James Moore, Mr. Thomas Bullen and Mr. James Singleton; for the parish of St. John, in Berkley county, Mr. James St. Julian, Mr. Elias Ball, jr. and Mr. Peter Ford; for the parish of St. George, Mr. John Cattell, son of Wm. Cattell, Esq. and Major Nathaniel Wickham; for the parish of St. Thomas and St. Dennis, Capt. Thomas Akin and Mr. Abijah Russ; for the parish of St. Andrew, (James Island excepted,) Mr. William Miles and Mr. John Cattell, sen.; for that part of the said parish called James Island, Mr. John Whitter and Mr. William Chapman; for the parish of St. John, in Colleton county, that is to say, for John's Island, Mr. Thomas Fleming and Mr. James Torquet; for Wadmelaw Island, Mr. Richard Timmons and Mr. Thomas Goble; for Edisto Island, Mr. Paul Grimbail and Mr. William Whippley; for the parish of St. Paul, that is to say, for Stono and the east side of Pon-pon, Mr. William Livingston, Mr. Joseph Wilkinson and Mr. Stephen Nichols; and for Beach Hill, in the said parish, Mr. Richard Bedon, jr. and Mr. Edward Perry; for the parish of St. Bartholomew, Mr. Henry Livingston, Mr. Thomas Burr, Mr. William Brown; and Mr. Abraham

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Graham and Mr. Peter Girardeau for Chehaw and Combahee in the said parish; for the parish of St. James Santee, Mr. Edward Thomas, Mr. Peter Guery and Mr. Daniel Horry; for the parish of Prince George Winyaw, Mr. Joseph Huggins, Mr. John Allston and Mr. Wm. Shekelford; for the parish of Prince Frederick, Mr. James Johnson, Mr. Wm. Brown and Mr. Richard Hall; for the parish of St. Helena, Port Royal, Mr. John Stewart, Mr. Richard Woodward and Mr. Andrew De Vauxe.

VII. *And be it further enacted* by the authority aforesaid, That Mr. Frederick Grimke, Mr. William Roper and Mr. John Green, be, and they are hereby appointed inquirers within the limits of Charlestown plat; and that Mr. James Matthews, Mr. Robert Pringle, Mr. John Allen, Mr. William McKenzie and Mr. William Harvey, be, and they are hereby appointed assessors and collectors for the parish of St. Philip's, Charlestown, within the limits of the said town plat.

Nominations
for Charleston.

VIII. *And be it further enacted* by the authority aforesaid, That all persons whatsoever who are possessed of any lands or slaves in this Province, in their own right or in the right of others, or are any ways liable to pay tax by virtue of this Act, shall pay in their tax to the several persons hereby appointed to receive the same, on or before the second Tuesday in May next ensuing, or within ten days then next after at farthest, at which time the said enquirers, collectors and assessors of the several parishes respectively within this Province, shall close their accounts and shall transmit the same on oath to the Public Treasurer for the time being, and pay him all such moneys as shall be by them respectively received in pursuance of the directions of this Act, on or before the second Tuesday in June next ensuing; and all and every person whosoever, liable to pay any tax by virtue of this Act, shall at the time of giving in their accounts to the several inquirers and collectors respectively, take the following oath: "I, A B, do swear that the account I now give in is a just and true account of all the lands and slaves which I, for my wife (or my wife as guardian or trustee) am or is any ways possessed of, interested in or entitled unto, by virtue of or under any patent, grant or warrant, and survey thereon, within this Province, either in my own right or as executor, administrator, guardian or attorney to or in trust for any other person or persons whatsoever; so help me God:" which oath any of the inquirers and collectors respectively are hereby required and empowered to administer. And the said inquirers and collectors for each parish and district respectively shall give in an account in writing of their own lands and slaves, on oath, after the manner before directed, to the said receiver or publick treasurer respectively.

Time of
payment of
the tax.Oath to be
taken.

IX. *And be it further enacted* by the authority aforesaid, That if any person or persons in giving in or rendering his account of lands or slaves as aforesaid, shall wilfully or voluntarily conceal any part thereof, all such persons shall forfeit treble tax for what they so conceal.

Penalty on
concealment.

X. *And be it further enacted* by the authority aforesaid, That any person neglecting or refusing to give in such his, her or their account of lands and slaves, to the inquirers and collectors aforesaid respectively, at such time and place as they shall appoint, or by the third Tuesday in April next at farthest, he, she or they shall be deemed a defaulter or defaulters, and shall be by the inquirers and collectors doubly taxed for all his, her or their lands and slaves.

Persons neg-
lecting or refus-
ing to give in
an account.

XI. And whereas, divers inhabitants living without the limits of Charlestown plat, are possessed of divers houses and town lots, or parts of lots within the same, *Be it therefore enacted*, That all such persons shall be rated for such lots as if they were actually resident in Charlestown; and

Non-resident
owners of lots
in town.

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all town lots and the improvements thereon, within the limits of Charlestown plat, shall be rated at the discretion of the assessors in Charlestown.

Inquirers to take an account of the taxable property both within and without the limits of the town plat.

XII. *And be it further enacted* by the authority aforesaid, That the inquirers for Charlestown are hereby directed and ordered to inquire into and take an account of all such real estates and slaves of the inhabitants living and residing within the limits of Charlestown plat, which they shall be possessed of, interested in or intitled unto, either in their own right or in the right of any other person whatsoever, which are lying or being within the limits of the said town plat, and of all the lands and slaves which the inhabitants of Charlestown are possessed of without the limits of the same, or in any other part of the Province; and the said enquirers shall make and finish their enquiry and return the same to the assessors hereby appointed for Charlestown, on or before the third Tuesday in April next; and the said enquirers for Charlestown shall likewise extract and certify to the said assessors all the lands to them given in by the owners and inhabitants of Charlestown without the limits of the said town plat, and all lands and slaves without the limits of Charlestown plat shall be reckoned as part of the country tax; provided always nevertheless, that nothing hereinbefore contained shall extend, or be construed to extend to give the said assessors any power or authority to rate or assess any goods, wares, merchandizes or effects as shall be consigned immediately to any merchant or factors in this Province, to dispose of as factors only; and it is hereby declared that the several slaves belonging to the inhabitants of Charlestown which have been for six months last past employed in Charlestown, shall be reckoned and accounted as part of the tax to be levied on the inhabitants of Charlestown, and that all and every their lands and slaves in the country, shall be reckoned and accounted as part of the country tax.

Property consigned not liable to be taxed.

Slaves resident for six months to be taxed.

Country store-keepers.

XIII. *And be it further enacted* by the authority aforesaid, That the store-keepers living in the country shall be rated by the enquirers in the several parishes where they live, for their stock and cash, after the rate of two pounds per cent., and the money arising by the assessment of such stores shall be paid to the collectors respectively, and deemed as part of the country tax; and in such parishes where one of the inquirers and collectors shall happen to be a store-keeper, the other inquirer and collector shall, and is hereby empowered to assess such store-keeper in the same proportion as other store-keepers are assessed at.

Persons over-rated may swear off.

XIV. *And be it further enacted* by the authority aforesaid, That every person, as well inhabitants of Charlestown as store-keepers in the country, who shall have reason to believe he is over-rated by such assessors, shall have ten days publick notice given by the assessors or inquirers, at the watch house in Charlestown, or in any other publick place in the country for that purpose, to swear off so much as he or they are over-rated, before the said assessors or enquirers as aforesaid, and the said assessors and enquirers are hereby empowered to administer such oath and allow of an abatement accordingly.

Oath of the enquirers.

XV. *And be it further enacted*, That the said assessors and collectors for Charlestown, upon receiving the returns of the inquirers, shall administer to them the following oath, viz: "You, A B, C D and E F, do swear that the account you now give in is a just and true account of all the real estates and slaves of the several inhabitants of Charlestown, lying within the limits of the said town plat, according to the best of your knowledge: So help you God."

XVI. *And be it further enacted* by the authority aforesaid, That the said enquirers for Charlestown, at the same time, shall render an account to the said assessors and collectors of their own real estates and slaves in

this Province, and take the same oath before the assessors, *mutatis mutandis*, as they are directed to administer to the other inhabitants of Charlestown.

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Rate of taxation
in Charlestown.

XVII. *And be it further enacted* by the authority aforesaid, That the said assessors and collectors shall, and they are hereby authorized to rate and assess the sum of five thousand six hundred and eighty-four pounds sixteen shillings and one penny, on the real and personal estates, stocks and abilities of the inhabitants of Charlestown and others interested in the said town, as aforesaid, rateably and proportionably, according to the best of their skill and knowledge; and any two of the said assessors shall be a quorum, and shall meet at the house of Colonel Miles Brewton, in Charlestown, on the second Tuesday in April next, and there continue to finish the assessment of Charlestown, or to adjourn to any other place, as they shall see fit; and the said assessors shall finish and complete the said assessment for Charlestown on or before the second Tuesday in May next, and shall cause a duplicate thereof to be posted at the watch-house in Charlestown, in seven days after the said assessment shall be closed.

XVIII. *And be it further enacted* by the authority aforesaid, That the assessors for Charlestown shall, before they enter on the execution of their office, take the following oath before one of his Majesty's justices of the peace, who shall give them a certificate for so doing, gratis, "I, A B, do sincerely swear that I will indifferently, equally and impartially rate and assess all and every person to me returned to be assessed by the inquirers of Charlestown for that purpose, according to the directions to me given by this Act, and according to the best of my skill and knowledge: So help me God."

Oath of the
assessors.

XIX. *And be it further enacted* by the authority aforesaid, That in case the assessors shall find any mistake in the return of the inquirers, the said assessors shall not be so strictly bound by the said return, but that they may have liberty to proceed according to better information and knowledge.

Mistakes may
be rectified.

XX. *And be it further enacted* by the authority aforesaid, That every person so assessed by the said assessors for Charlestown, shall pay into the hands of the said assessors and collectors the several sums of money on them respectively assessed, on or before the first Tuesday in June next.

Time of
payment.

XXI. *And be it further enacted* by the authority aforesaid, That in case any person whatsoever, living without the limits of Charlestown plat, shall neglect or refuse to pay in his or their tax at the days and times herein before mentioned and appointed for payment thereof, the inquirers and collectors respectively shall within ten days after the time is fully elapsed, without favour or affection, or further delay, levy the same by virtue of a warrant by them or any one of them to be signed and sealed for that purpose, which warrant shall be directed to the constable or constables of the respective parish where such defaulter lives or resides, requiring him to levy the same by distress and sale of the defaulter's goods, returning the overplus, if any there be, to the defaulter, after deducting the reasonable charges; and if no such distress can be found, and the defaulter shall neglect or refuse to produce goods whereon the moneys so assessed may be forthwith levied, then the said constable or constables, by virtue of the said warrant, shall take the body of such defaulter and bring him to the common gaol in Charlestown; which warrant shall run in these words, *mutatis mutandis*, viz:

Persons living
out of Charlestown making
default.

"By A B, C D and E F, collectors of the general tax for the parish or precinct of . . . in . . . County, to G H, constable of the precinct of

A.D 1737.

Form of
process.

. . . . or to the provost marshal of the Province of South Carolina, or his lawful deputy: Whereas, J K, of . . . , hath been duly assessed by us, the subscribers, collectors of the tax for the parish or precinct of . . . , the sum of . . . for . . . tax, for defraying the charges of the Government for the year ending on the twenty-fifth day of March, one thousand seven hundred and thirty-seven, which . . . hath neglected to pay: These are therefore in his Majesty's name, strictly to charge and command you to levy by distress and sale of the goods and chattels of the said J K, the said sum of . . . , together with the charges thereof; and in case no distress can be found, that then you take the body of the said J K, and him carry to the common goal in Charlestown, commanding you, the keeper of the said goal, to receive the said J K into your custody, and him safely keep, till he shall have paid the said sum of . . . together with the charges thereof, and of keeping and detaining him as aforesaid; and for your so doing this shall be your sufficient warrant. Given under our hands and seals, this . . . day of . . . , Anno Domini 173 .

"A B, C D, E F."

Duty of the
provost
marshal.

And the provost marshal shall detain such person in the goal aforesaid, without bail or mainprize, until they have satisfied the debt and charges aforesaid. And the said assessors and collectors of Charlestown shall have the same powers and authorities, and proceed in the same manner for levying and recovering the tax of the defaulters living within the limits of Charlestown plat, as above directed.

Officers' fees.

XXII. *And be it further enacted* by the authority aforesaid, That the constable or constables to whom such warrant shall be directed, shall take the following fees in the execution of their office, viz: for every execution, six shillings and three pence, and twelve pence for every pound to be levied as aforesaid, and twelve pence for every mile, to be computed from the dwelling house of such constable or constables to the dwelling house or place of residence of such defaulter, and no more or any other fee or fees whatsoever; and the inquirers, collectors and assessors, respectively, for every such warrant he or they shall so issue, shall have from such defaulter ten shillings current money.

Taxable per-
sons neglecting
to make return.

XXIII. *And be it further enacted* by the authority aforesaid, That if any taxable person shall neglect to give an account of his estate to the said inquirers and collectors, by the time before limited in this Act, or shall omit or neglect to pay either his own tax or the tax to be assessed by virtue of this Act on any person for whom he is guardian, attorney, executor or trustee, by the time above limited, the said inquirers and collectors respectively, where such taxable person lives, are hereby empowered and required to issue their warrant in the same manner as above directed; and in case the said inquirers and collectors shall not have a just information what such person's tax doth amount to, the said warrant shall run for double the sum such person was rated in the last tax, and shall be dealt with in all other respects as a defaulter.

Power of the
public treasur-
er.

XXIV. *And be it further enacted* by the authority aforesaid, That the publick treasurer shall have full and ample power in all respects, for collecting and getting in arrears of taxes, which are or were due by any former law or Act of Assembly, notwithstanding the same be repealed or expired, and the same may be recovered by virtue of a warrant under the hand and seal of the public treasurer.

Taxable per-
sons dying.

XXV. *And be it further enacted* by the authority aforesaid, That in case any person shall happen to dye between the time of giving in his account to the said inquirers and collectors, and the paying of his tax, and any goods or chattels of the deceased, to the value of the sum he was

assessed at, shall come to the hands of his executors or administrators, or any executors in their own wrong, such executors or administrators shall pay the same by the time before limited, prior to all mortgages, judgments and debts whatsoever, (debts due to his Majesty excepted) or otherwise a warrant or execution shall issue against the proper goods of such executor or administrator; and if any person, between the time limited for rendering the account of his estate to the collectors and enquirers aforesaid, and the time of paying in his tax, shall be about to depart this Province, the said collectors and assessors are hereby directed and required forthwith to levy the same, notwithstanding the day of payment is not already come, unless such person will find sureties to the liking of the said collectors and assessors, for the payment thereof at the time appointed.

A. D. 1737.

Or removing.

XXVI. *And be it further enacted* by the authority aforesaid, That all deeds of gift, conveyances, mortgages, sales and assignments of lands and tenements, goods and chattels, of any person whatsoever, made with an intent to avoid being assessed, or paying tax, are hereby deemed and declared to be fraudulent and null and void to all intents and purposes whatsoever.

Deeds in avoidance of the tax, declared fraudulent.

XXVII. *And be it further enacted*, That in case any person who has mortgaged any part of his real or personal estate, shall refuse or neglect to pay tax for the same, the mortgagee shall be answerable and lyable to pay the sums assessed on the mortgagor; provided that such estate be in the possession of the mortgagee.

Mortgaged property.

XXVIII. *And be it further enacted* by the authority aforesaid, That the said publick treasurer, enquirers, collectors, assessors, marshall, constables and every other magistrate or officer, who shall neglect or refuse to do and perform the several matters hereby required of them to be done respectively, within the time prescribed by this Act, shall for every such neglect or refusal forfeit the sum of one hundred pounds current money, to be recovered in any court of record in this Province, the one half to his Majesty for the support of this government, and the other half to him or them that will sue for the same, by action of debt, bill, plaint or information, wherein no essoign, privilege, protection or wager of law shall be allowed or admitted.

Penalty on officers neglecting their duty.

XXIX. *And be it further enacted* by the authority aforesaid, That in case any of the enquirers, collectors and assessors before mentioned, shall happen to dye, refuse to act, or depart this Province, before they have executed the powers and authoritys hereby given them, that then his honor the Lieutenant, Governour or the Commander-in-chief for the time being, is hereby empowered to nominate and appoint another fit person in the room of him so dying, refusing to act, or going off; and the person so appointed shall have the same powers and be under the same penaltys as the assessors, collectors and enquirers hereby nominated.

Officers dying or removing.

XXX. *And be it further enacted* by the authority aforesaid, That the publick treasurer for the time being, be and he is hereby empowered to grant immediate execution against the provost Marshall, for the time being, and all former provost marshalls, and in case of their decease, against their executors and administrators where there are assets, for all arrears of taxes due and owing to the publick of this Province, and also against all former constables and collectors of taxes, and assessors for the time being, for all taxes now or hereafter to grow due, when the time is or shall be elapsed for paying in the same: And in case the publick treasurer shall grant any execution or executions against any of the persons aforesaid, where there is nothing due, or for more money than is come to their hands, it shall and may be lawful to and for such person, against

Process against the provost marshal.

Case of want of assets.

A. D. 1737. *whom such execution is wrongfully granted, to maintain an action at law against such treasurer, and recover double damages and treble costs of suit.*

General issue
may be pleaded
and this Act
given in
evidence.

XXXI. *And be it further enacted* by the authority aforesaid, That if any of the assessors, enquirers, collectors, provost marshal, constables, publick treasurer or other person, shall be sued for any matter or thing whatsoever by him or them done in execution of this Act, it shall and may be lawful for such person and persons aforesaid, to plead the general issue, and give this Act and the special matter in evidence, and in case a verdict shall pass for the defendant or defendants, he or they shall recover double costs of suit.

Assessment for
St. Philip's
parish and dis-
posal thereof.

XXXII. *And be it further enacted* by the authority aforesaid, That the collectors and assessors for the parish of St. Philips, Charlestown, both without and within the limits of the town plat, shall assess on the inhabitants and owners of land and slaves of the said parish, the sum of two thousand pounds current money, more than their general tax, to be paid in proportion to their said general tax, and they are hereby authorized and required so to do; one thousand pounds of which to be paid to the commissioners of the high roads, for making two new roads and mending the old in the said parish, and the other one thousand pounds to be paid to the commissioners for building of a work house in Charlestown, which are to be chosen on Easter Monday next, as by law past for that purpose the twenty-ninth day of May, one thousand seven hundred and thirty-six; and the said assessors and collectors for the said parish, are hereby empowered and required to levy the same accordingly.

Commissioners
nominated of
roads and
bridges.

XXXIII. And whereas, a clause was inserted in an Act of the General Assembly of this Province entitled an Act for raising the sum of thirty thousand three hundred and eighty-seven pounds three shillings and seven pence, for defraying the charges of the government for one year, ratified the twenty-ninth day of May, one thousand seven hundred and thirty-six, empowering the commissioners of the high roads in St. John's parish, in Colleton county, to assess and levy the sum of two hundred and seventy-five pounds current money, (being the proportion of the charge of the said parish of St. John's, towards repairing two bridges in St. Paul's parish, commonly called Wallis's and Dandridge's bridges) and to pay the same into the hands of the commissioners of the high roads in St. Paul's parish, on or before the second Tuesday in September, next ensuing the ratification of the said Act: And whereas, the said two hundred and seventy-five pounds, or any part thereof, hath not yet been paid to the said commissioners of St. Paul's, but contrarywise the commissioners of Edisto Island, in the said parish of St. John, have and do absolutely refuse to assess and levy their part of the same, *Be it therefore enacted* by the authority aforesaid, That Mr. Thomas Miles, Mr. Thomas Farr and Henry Hyrne, Esq. commissioners appointed by the general board of commissioners of St. Paul's parish, to repair the said bridges, be and are hereby empowered to assess, raise and levy on the several inhabitants of Edisto Island, in the parish of St. John aforesaid, their proportionable part of the said sum of two hundred and seventy-five pounds, in the same way and manner as the commissioners of any high roads, publick paths and bridges, assess, raise and levy the charges of repairing any publick paths or bridges by the laws of this Province, to be applied for and towards the repairing the said two bridges.

Schedule.

XXXIV. And whereas, the tax of the current year will amount to the sum of thirty-four thousand one hundred and eight pounds sixteen shillings and six pence, current money of this Province, *Be it therefore*

enacted by the authority aforesaid, That the aforesaid sum of thirty-four thousand one hundred and eight pounds sixteen shillings and six pence, current money of this Province, shall be appropriated, applied and paid by the publick treasurer, according to the schedule or estimate hereunto annexed, and not otherwise, that is to say, A. D. 1737.

ESTIMATE

Of the charges of this Government from the 25th March, 1736, to 25th March, 1737, viz :

FOR FORT MOORE GARRISON.

To the Commander, per annum,	£ 300 00 00
The Lieutenant, ditto,	168 00 00
The Serjeant, ditto,	114 00 00
Thirteen men at £7 per month, each,	1092 00 00
Victualling 16 men at £32 per annum, each,	512 00 00
Premium on £1374, at 2½ per cent,	34 07 00—£2220 07 00

THE RANGERS, For six months to 29th Sept. 1736.

To the Commander, at £288 per annum,	144 00 00
The Serjeant, at £168 “ “	84 00 00
Nineteen men and provisions, at £14 per month, each,	1596 00 00
Premium on £1680, at 2½ per cent.	42 00 00—£1866 00 00

THE SCOUT BOAT, For six months to 29th Sept. 1736.

To the Commander, at £200 per annum,	100 00 00
Ten men at £9 per month, each,	540 00 00
Victualling eleven men at £32 per annum, each,	176 00 00
Premium on £540, at 2½ per cent.	13 10 00—£ 829 10 00

JOHNSON'S FORT.

To six men at £6 per month, each,*	432 00 00
Victualling seven men at £32 per annum, each,	224 00 00
Premium on £432, at 2½ per cent.	10 16 00—£ 666 16 00—£5582 13 00

* To be paid to so many men and for so long time as it shall appear by a certificate from the Commissary General that the men have been in service at that Fort, and not before.

PAROCHIAL CHARGES.

St. Philips, Charlestown, per annum,	55 00 00
Twelve other parishes at £40 per annum,	480 00 00—£ 535 00 00
To his Honour the Lieutenant Governour, to 25th March, 1737,	2500 00 00
To Isaac Amyand, Clerk of the Assembly, one year's allowance,	600 00 00
Ditto, an account allowed,	1239 02 06—£1839 02 06
To Jesse Badenhop, Clerk of the Council,	300 00 00
Ditto, an account allowed,	496 08 00—£ 796 08 00
To Alexander Cramahe, one year's service,	200 00 00
To John Bonnin, late Messenger of the House of Assembly, in full of his salary and all accounts,	252 09 02
To Abraham Crofts, Deputy Messenger, from 25th March, 1736, to 25th July, 1736, at £150 per annum,	50 00 00
Ditto, as Messenger, from 25th July to 25th March, 1737, at £250 per annum,	166 13 04
Ditto, an account allowed him,	28 00 00—£ 244 13 04
To the Treasurer, for the use of the Messenger of the Council, for one year, after the rate of £200 per annum, to be paid by him to the Mes-	

A. D. 1737.

sengers as they shall appear to him to be entitled to the same,	200 00 00	
To Miles Brewton, rent of a room for one year,	200 00 00	
Rent of one other room from 25th November, 1736, to 25th March, 1737, at £100 per annum,	33 06 08—£	233 06 08
To Thomas Lloyd, Gunner, for one year,	200 00 00	
Ditto, an account allowed,	111 15 00—£	311 15 00
To Peregrine Furye, Esq. agent, allowed for one year £200 sterling, at 740 per cent.	1480 00 00	
Ditto, for defraying expences on soliciting in behalf of the money bill, and the differences subsisting between this Province and Georgia, and all other matters £200 sterling at 740 per cent.	1480 00 00—£	2960 00 00
To Richard Hall, per law, £100 sterling, at 740 per cent.		740 00 00
To Charles Sheppard, for the hire of a court room,		100 00 00
To Peter Bonneau, for bounty on twenty-three pounds raw silk,		29 10 00
To Peter Taylor, Esq. Commissary, for one year,	400 00 00	
Ditto, an account allowed,	122 15 00—£	522 15 00—£8429 19 08
To James Ballyntine, Deputy Messenger, from 4th December, 1736, to 25th March, 1737, at £150 per annum,		46 04 07
To the Commissioner of the Indian trade, from 16th December, 1736, to 25th March 1737, at £100 per annum,		27 10 00
To John Johnson, Clerk of the Market, for the costs of standards, weights and measures,		184 00 00
To Francis Yonge, Esq. in Great Britain, to assist the agent in soliciting the affairs of this Province, and in particular the money bill, fifty guineas is sterling £52 10, at 740 per cent.		388 10 00
To the Honourable Charles Pinckney, Esq. an account allowed,	62 10 00	
For expences as one of the committee going to Georgia, allowed,	36 17 06	
As an acknowledgement for his services on that affair,	150 00 00	
One other account allowed,	40 00 00	
A further account allowed,	30 00 00—£	319 07 06
To Othniel Beale, Esq. expences as one of the committee going to Georgia, per account allowed,	162 04 10½	
As an acknowledgement for his services on that affair,	150 00 00—£	312 04 10½
To Capt. William Pinckney, an account of expences for the use of the committee going to Georgia,		49 00 00
To the Honourable John Hammerton, Esq. as an acknowledgement for his services as one of the committee going to Georgia,	150 00 00	
Ditto, an account allowed,	553 11 06—£	703 11 06—£2030 08 5½
To Elizabeth Rawlins, her account allowed,	20 18 00	
To John Dart, Esq. ditto, allowed,	76 16 00	
To George Chicken, ditto,	8 00 00	
To Beale & Cooper, ditto,	36 00 00	
To Samuel Eveleigh, ditto,	67 10 00	
To John and Alexander Rigg, ditto,	9 00 00	
To Wm. Baker, deceased, ditto,	40 10 00	
To John Laurens, ditto,	12 10 00	
To Emanuel Smith, ditto,	28 12 06	

A. D. 1737.

To Susannah Brewton,	ditto,	13 07 06	
To Anthony and Jas. Mathews,	ditto,	8 12 06	
To Hutchinson & Grimke,	ditto,	81 00 00	
To Crockatt & Seaman,	ditto,	23 10 00	
To James Crockatt,	ditto,	241 06 03—£	667 12 09
To Nicholas Haines,	ditto,	68 10 00	
To William Trewin, Esq.	ditto,	17 10 00	
To Childermas Croft,	ditto,	73 05 00—£	159 05 00
To Benjamin Whitaker, Esq.	ditto,	40 00 00	
A further account allowed,		195 10 00—£	235 10 00—£1062 07 09
To the commissioners for stamping bills to be changed for such as are torn, obliterated or defaced, and for providing paper for the same,		276 15 00	
To John Lacey, an account allowed,		37 10 00	
To John Milner, ditto,		265 00 10—£	579 05 10
To Gabriel Manigault, Esq. his account of disbursements allowed,		783 19 10½	
Ditto, balance on the Indian trading fund,		757 19 09—£	1541 19 07½
To Philip Massey, an account allowed,		530 03 03	
To Robert Hall, Provost Marshal,		853 09 01	
To Lewis Timothy, Printer, in part of his account,		1200 00 00	
To Andrew Rutledge, Esq. an account allowed,		33 00 00	
To the charge of the Rangers appointed to range about Pine Tree Creek, to 19th May, 1737, and then to be discontinued,		596 00 00	
To Col. Barnwell, for hiring two men to live in Fort Prince Frederick,		200 00 00	
To Edward Croft, an account allowed,		4 00 00	
To building a Chappel of ease at Hoospa Neck on the south side of Combahee river, by a resolution of the late House, 18th March last, to be provided for in the estimate,		200 00 00—£	3616 12 04—£5737 17 94
To Maurice Lewis, Esq. an account allowed,		28 00 00	
To the Honourable Joseph Wragg, Esq. attorney to Samuel Wragg, merchant in London, Mr. William Smith's receipt for £33 03 06 sterling, dated the 25th March, 1736, being so much paid him by the said Samuel Wragg, for soliciting the taking off the enumeration of rice not before provided for, at 740 per cent.		245 09 10	
To Major George Pawley, for running the parish line between Prince George and Prince Frederick,		100 00 00	
To the charge of an agent, a clerk and four men, to go to the Creeks, from the 5th day of January, 1736, to the 5th day of April included, in which time it is supposed they may return, computed as follows :			
To the Agent, 91 days at four pounds,		364 00 00	
To the Clerk, 91 days at two pounds,		182 00 00	
Four men at twenty pound per month, each,		240 00 00—£	786 00 00
To so much allowed for repairing the Chappel at Childsbury, by a resolution of the late House, 18th March, 1735, to be provided for in this estimate,		100 00 00	
To so much allowed for repairing the Church and Parsonage House of the parish of St. James Goose Creek, by a resolution of the late House, 18th March, 1735, to be provided for in the estimate,		100 00 00	

A. D. 1737.	To the commissioners for repairing the new Market House,	300 00 00
	To George Livingston, engrossing a bill for establishing a chappel of ease at Beach Hill,	3 00 00
	To a Messenger going express to Virginia,	250 00 00
	To Paul St. Julian, for sending an express to Major Russell to know if he would go agent to the Cherokees,	10 00 00
	To Gabriel Manigault, Esq. one of the commissioners, for his past services in signing and exchanging the current bills,	200 00 00
	To John Champneys, Esq. for the same,	200 00 00
	To so much allowed towards building a place for divine worship at Puryzburg,	200 00 00—£2542 00 00
	To so much allowed for the payment of two men who went up with Major Russell, to be lodged in the hands of the Treasurer, to be paid on proper application, at the rate of £20 per month each,	40 00 00
	To the parochial charge of one parish, short reckoned under that head,	40 00 00
	To a sum of five thousand pounds, together with a sum of one thousand pounds now in the hands of the Treasurer, being the surplus of the last year's country tax, to be applied towards defraying the charges of the present expeditions on foot to guard against the attempts of the Spaniards and Indians, which said sums are to be paid by the Terasurer, on orders drawn for the same, by his Honour the Lieutenant Governour, his Majesty's Honourable Council and a committee of the Commons House of Assembly, jointly, and not otherwise,	5000 00 00
	To the wages and provision of one man short reckoned on the establishment for Fort Moore,	116 00 00
	To six months more due on account of wages and provision for a man, short reckoned in the estimate of the year 1735,	58 00 00
	To Doctor Nicholas Trott, for papers made out for the use of the late Assembly and omitted in the estimate of last year,	30 00 00
	To the Honourable Charles Pinckney, Esq. for preparing several papers to be transmitted to Great Britain for the use of this Province,	100 00 00
	To Gabriel Manigault, Esq. for services in his office of Publick Treasurer,	200 00 00
	To Mary Russell, widow, in full for her husband's services as agent, &c.	124 00 00—£512 00 00—£3408 16 06

C. PINCKNEY, *Speaker.*

In the Council Chamber, the 5th day of March, 1736-7.

Assented to: THOS. BROUGHTON.

A. D. 1737.

AN ACT for prohibiting and preventing the exportation of Corn, No. 629.
Peas, small Rice, Flour and Biscuit, from this Province to any
other place except the Colony of Georgia, and for the encouraging
the importation of those commodities.

(Passed October 8th, 1737. The title of this Act is preserved in
Grimke's Index, but I cannot find the original Act.)

AN ACT for continuing a duty and imposition of three pence per No. 630.
gallon on Rum imported, and for raising a Fund to finish and keep
in repair the new brick Church in Charlestown, and for the carry-
ing on and maintaining the fortifications in this Province.

(Passed October 8th, 1737. The title preserved in Grimke's Index,
but I cannot find the original Act.)

AN ADDITIONAL AND EXPLANATORY ACT TO AN ACT FOR ADVAN- No. 631.
CING THE SALARIES OF THE CLERGY, AND FOR A FURTHER, MORE
EQUAL AND EFFECTUAL PROVISION FOR THE RELIEF OF THE POOR.

WHEREAS, by an Act of the General Assembly of this Province,
passed on the 23d day of June, 1722, entitled an Act for advancing the
salaries of the Clergy, it is amongst other things enacted, that the church-
wardens and any five of the vestry-men of each parish within this Province,
shall and they are thereby fully empowered, to rate and assess all the
taxable inhabitants of each parish respectively, toward the maintenance
of all and every the poor within the same parish, who have resided in any
such parish for the space of twelve months then last past, and that rateably
and proportionably to the general tax or assessment for the year precedent,
and shall levy the same by warrant of distress under the hands and seals
of the two church-wardens and five of the said vestry-men against the
goods of the said person so refusing to pay the same, and shall make sale
thereof, returning the overplus after deducting thereout reasonable charges
for the levying the monies so assessed, as in and by the said Act, relation
being thereunto had, more fully appears: And whereas, upon the general
words of the said recited Act, it has been conceived by some that the rate
and assessment by the said Act directed to be made for and towards
maintaining of the poor of the several and respective parishes in this
Province, ought in proportion to the general tax to be rated and assessed
upon the inhabitants, as well for the estates real and personal, lying and
being within the respective parishes, for the maintenance of whose poor
the said rates and assessments are respectively made, as for such their
estates as are lying and being in other parts of this Province, without the
limits of the same parish: Now, for the prevention of all doubts, ques-
tions and disputes for the future, concerning the manner of making such
rates and assessments for the maintenance of the poor of the several and
respective parishes in this Province,

Preamble.

I. *Be it enacted*, That the church-wardens and any five vestry-men,
who, by the herein before recited Act, are authorized and empowered to

A. D. 1737. rate and assess the inhabitants of each respective parish in this Province,

Inhabitants of any parish shall only be rated for the poor for such part of their estate as lies in the parish.

towards the maintenance of the poor of the same parish, shall in all rates and assessments hereafter to be made in pursuance of the said recited Act, only rate and assess the said inhabitants in proportion to the general tax paid or to be paid in the preceding year for such part of their estates real and personal, as shall or may be situate, lying or being in the parish for the maintenance of whose poor such rate and assessment shall be made: Provided, that all and singular the estates real and personal, of every person and persons whatsoever, which shall or may be rated and assessed in the general tax, shall be also rated and assessed by the churchwardens and any five of the vestrymen, in each respective parish where such estate, real or personal, shall be situate, lying or being, for and towards the relief and maintenance of the poor of every such parish respectively; and the sums which shall be so rated and assessed for and towards the relief and maintenance of the poor of each respective parish, shall be levied and recovered from the owners, possessors or occupiers of such estates, real or personal, or from their attornies, agents, managers or trustees, in the like manner and form as is directed by the before recited Act; any former law, statute, custom or usage, to the contrary thereof in any wise notwithstanding.

Proviso.

C. PINCKNEY, *Speaker.*

In the Council Chamber, the 8th day of October, 1737.

Assented to: THOS. BROUGHTON.

(I cannot find the original. The above is copied from Grimke, page 150.)

No. 632. AN ACT further to empower the Commissioners for regulating Pilots for the port and harbour of Charlestown.

(Passed February 4th, 1737-8. The original not to be found.)

No. 633. AN ACT for Easing the Tax of the current year to the Inhabitants of this Province, by appropriating certain surplus money in aid of the same.

(Passed February 4th, 1737-8. The original not to be found.)

No. 634. AN ACT for settling a Fair and Markets in Radnor, in the Parish of St. Helena, in Granville County.)

(Passed March 11th, 1737-8. The original not now to be found.)

No. 635. AN ACT for making and keeping in repair the road that leads from Westo Savannah road, on the East side of Pon Pon river, to Musgrove Ferry, and from thence to Parker's Ferry road in St. Paul's Parish, and to appoint Commissioners for the same.

(Passed March 11th, 1737-8. The original not to be found.)

A. D. 1738.

AN ACT for making a new List of the Names of persons fit to serve
as Jurors to be drawn by ballot, in this Province. No. 636.

(Passed March 11th, 1737-8. The original not to be found.)

AN ACT for the better regulating the Militia of this Province. No. 637.

(Passed March 11th, 1737-8. The original not to be found.)

AN ACT for Encouraging the Manufacture of Silk in this Province,
under the direction of Mr. John Lewis Pogas, for seven years. No. 638.

(Passed March 11th, 1737-8. The original not to be found.)

AN ACT FOR LICENCING HAWKERS, PEDLARS AND PETTY-CHAPMEN, AND
TO PREVENT THEIR TRADING WITH INDENTED SERVANTS, OVERSEERS,
NEGROES AND OTHER SLAVES. No. 639.

WHEREAS, to the great prejudice of the store-keepers and shop-keepers in this Province, who have been and are obliged to pay tax for their stock in trade and otherwise, divers persons of late, who pay no tax towards the support of this government, have travelled from town to town, and from one plantation to another, both by land and water, exposing to sale rum, sugar and other goods, wares and merchandizes, and taken in payment therefor, from negroes and other slaves, hogs, fowls, rice, corn and other produce, to the great prejudice of the planters their masters;

Preamble.

I. *Therefore be it enacted*, That from and after the 24th day of June, 1738, there shall be answered and paid to his Majesty, his heirs and successors, by every hawker, pedlar, petty chapman or other trading person or persons, going from town to town, or to other men's plantations, and trading either on foot or with horses, pettiauguas, boats, canoes or otherwise, within the Province of South Carolina aforesaid, (except as herein after is excepted) carrying to sell or exposing to sale any rum, sugar, or other goods, wares or merchandizes, the several duties or impositions herein after mentioned, that is to say, the sum of £100 current money of the Province aforesaid for a licence to be given to him, her or them, to travel by water in manner as is herein after directed, and shall pay the sum of £100 like current money per annum for each pettiaugua, boat, canoe or other vessel, he or she shall so travel with, over and above the first mentioned duty of £100; and the sum of £50 of like current money of the Province aforesaid for a licence to be given to him, her or them to travel by land in manner as is herein after directed, and shall pay the sum of £50 of like current money per annum for each horse, ass, mule or other beast of burden he, she or they shall so travel with, over and above the said last mentioned duty of £50. Which said several sums or duties shall go and be in aid of the annual general tax, to be raised for the sup-

Amount to
be paid for
Licences.

A. D. 1738.

port of the government of this Province, and be appropriated and applied accordingly.

Pedlars &c. to
give security.

II. And every pedlar, hawker, petty chapman and other trading person or persons, so travelling as aforesaid, shall, before the 24th day of June, 1738, deliver, or cause to be delivered, to the public treasurer or receiver of this Province, a note in writing under his or her hand, or under the hand of some person by him or her authorized in that behalf, how or in what manner he or she will travel or trade, whether by land or by water, whether on foot or with one or more horse or horses, ass or asses, mule or mules, or other beast or beasts of burthen, cart or carts, pettiauger or pettiaugers, canoe or canoes, or other vessel or vessels, for her or his so travelling and trading, for which he or she shall thereupon pay, or cause to be paid unto the said publick treasurer or receiver, one moiety of the duty by this Act payable for the same, and give security by bond, with one or more sufficient surety or sureties, to be taken in his Majesty's name, for the true payment of the other moiety of the said duties at the end of six kalendar months, and for his or her good behaviour, and not to trade or commit any offence, contrary to the true intent and meaning of this Act. And thereupon a licence shall be given by the publick treasurer or receiver unto him or her so to travel or trade, and which licence shall be renewed yearly.

Penalty on
persons
offending.

III. And if any such hawker, pedlar or petty chapman, from and after the said 24th day of June, 1738, is found trading as aforesaid, without or contrary to such licence, such person shall for each and every such offence forfeit the sum of £200 current money, the one moiety thereof to the informer, and the other moiety to the poor of the parish wherein such offender shall be discovered. And that every person so trading, who upon demand made by any justice of the peace, constable, or other officer of the peace of the county or town where he or she shall so trade, shall refuse to produce or shew to such justice or other officer of the peace his or her licence for so trading, to be granted as aforesaid, that then the person so refusing shall forfeit the sum of £100 current money, to be paid to the church wardens of the parish where such demand shall be made, to the use of the poor of the same, and for non payment thereof shall suffer as a common vagrant, and be sent to the common goal in Charlestown, there to remain until such forfeiture shall be paid or satisfied.

Treasurer to
grant licences.

IV. *And be it further enacted*, That it shall and may be lawful for the said public treasurer or receiver, and he is hereby directed, appointed and required, upon the terms aforesaid, and upon the receipt and security given as aforesaid, to grant a licence, to be by him subscribed, to every such hawker, pedlar, petty chapman, or any other trading person, for him or herself, or for him or herself with one or more horses, mules or other beasts, pettiaugas, canoes or other vessels, which he or she shall travel with, as the case shall require; for the writing and subscribing of which licence there shall be taken only the sum of 20s. current money.

Penalty on
forging or
counterfeiting
licences.

V. If any person or persons whatsoever shall forge or counterfeit any licence or licences, or travel with such forged or counterfeit licences for the purposes aforesaid, or with a licence granted to any other person than to him or herself, such person shall forfeit the sum of £400 current money, one moiety thereof to the King, to be applied as aforesaid, the other to him that shall prosecute or sue for the same, to be recovered by action of debt, bill, plaint or information, in his Majesty's court of common pleas in Charlestown, in which no essoign, protection, wager of law, or more than one imparlance, shall be allowed, and shall be subject to such

other pains and penalties as may be inflicted on persons by the common law for forgery. A. D. 1733.

VI. If any hawker, pedlar, petty chapman, or other trading person, licenced as aforesaid, shall buy, sell, bargain, contract, barter, give, lend or exchange any manner of goods or commodities, to, for or with any slave or slaves, indented servant or servants, or overseer, without the privacy or consent of his or their master or mistress, he or she so offending as aforesaid shall forfeit his or her security bond, and be deemed incapable of taking or receiving a licence for the future.

Trading with
servants or
slaves.

VII. *And be it further enacted,* That it shall and may be lawful for any person and persons whatsoever, to seize and detain any such hawker, pedlar, petty chapman, or other trading person or persons as aforesaid, with his goods and merchandize, and the boat or other carriage in which the same are or shall be, till such time as he, she or they shall produce a licence in that behalf, if he, she or they have any; and if he, she or they shall be found trading without a licence, contrary to this Act, for such reasonable time as he, she or they may give notice to the constable, church-warden, overseer of the poor, or some other parish officer or officers, who are hereby required to carry such person so seized before some one of his Majesty's justices of the peace of the county where such offence or offences shall be committed, which said justice of the peace is hereby authorized and strictly required, either upon the confession of the party offending, or due proof by witness upon oath, (which he is hereby empowered to administer) that the person so brought before him had so traded as aforesaid, and that no such licence shall be produced by such offender before the said justice, to cause the said sum of £200 to be forthwith levied by distress and sale of the offender or offender's goods, wares or merchandize, rendering the overplus, if any be, to the owner or owners thereof, after true deduction of the reasonable charge for taking of the said distress, and out of the said sale to pay the respective penalties and forfeitures aforesaid.

Hawkers and
pedlars liable to
be seized till
they produce
licence.

VIII. If any constable, church-warden, or other officer or officers aforesaid, shall refuse or neglect upon due notice, or on their own view, to be aiding and assisting in the execution of this Act, being thereunto required, each and every such officer or officers, being thereof convicted by the oath or oaths of one or more credible witness or witnesses, before any justice of the peace for the county where such offence shall be committed, shall forfeit for each and every such offence contrary to this Act the sum of £20 current money, to be levied by distress and sale of the offender's goods, by warrant under the hand and seal of such justice of the peace, the one moiety to the poor of the parish where such offence shall be committed, the other moiety to the informer, who shall prosecute for the same, rendering the overplus thereof to the owner, if any be.

Penalty on
officers for
neglect.

IX. And if any person or persons shall be sued, molested or troubled, for putting in execution any of the powers contained in this Act, or for doing any matter or thing pursuant thereunto, such person or persons shall or may plead the general issue, and give the special matter in evidence, and if the plaintiff or plaintiffs shall be non-suited, or judgment be given against him or them upon demurrer, or a verdict pass for the defendant, such defendant shall have his, her or their treble costs, to be recovered in such manner as where by law costs are given to the defendants.

Persons sued
may plead the
general issue.

X. *Provided,* That nothing herein contained shall extend or be construed to extend, to hinder any person or persons from selling or exposing to sale any sorts of goods or merchandizes in any public market or fair,

A. D. 1738.

within this Province, but that such person and persons may do therein as they lawfully might have done before the making of this Act, any thing herein contained to the contrary notwithstanding.

C. PINCKNEY, *Speaker*.

In the Council Chamber, the 11th day of March, 1737-8.

Assented to: WILLIAM BULL.

The preceding is taken from Grimke's Public Laws, page 152, No. 666. This Act is repealed so far as it may interfere with the City Ordinance, by Act of 1805.

No. 640. AN ACT to appoint an Agent to solicit the affairs of this Province in Great Britain.

(Passed March 11, 1737-8. The original not to be found.)

No. 641. AN ACT for establishing a Ferry at a point on the main land belonging to Mr. Hugh Bryan, over against Cochran's Point, on Port Royal Island, and for vesting the same in the said Hugh Bryan and his heirs, for the space of seven years.

(Passed March 11, 1737-8. The original not to be found, but Grimke has copied it in his edition of the Public Laws, No. 668, page 554. *See last volume.*)

No. 642. AN ACT for appointing Commissioners to lay out a Road or Causeway over Lynch's Island, situate in Santee River, and for establishing the Ferries therein mentioned.

(Passed March 11, 1737-8. The original not to be found. The 11th section only is preserved by Grimke, p. 158. *See last volume.*)

No. 643. AN ACT for vesting the Ferry over South Edisto River, known by the name of Parker's Ferry, in Jane Parker, widow, and her assigns, for the term of seven years.

(Passed March 11, 1737-8. The original Act not to be found.)

A. D. 1778.

AN ACT FOR EASING THE PORT CHARGES TO COASTING VESSELS No. 644.

ENTERING INTO AND CLEARING OUT FROM PORT TO PORT WITHIN THIS PROVINCE, AND TO PREVENT ANY IMPOTENT, LAME OR INFIRM PERSON OR PERSONS BEING IMPORTED, BROUGHT TO OR LANDED IN ANY PART WITHIN THIS PROVINCE, WHO SHALL BE LIKELY TO BECOME BURTHEN-SOME, OR BE A CHARGE TO THE PARISH.

FORASMUCH as the use of coasting vessels ought to be encouraged within this Province, for the more cheap and easy transporting of goods and commodities from port to port, within the same, Preamble.

I. *Be it enacted*, *That from and after the passing of this Act, all coasting ships and vessels, belonging to the inhabitants of this Province, bound from any port or place in this Province, to any other port or place within the same, shall be exempt and discharged from the payment of powder money or powder duty, &c. Vessels bound from port to port within this Province, shall be exempt from paying powder money.

II. And that the masters or commanders of any coasting vessels may not be at the expence of pilotage, when they shall not actually employ or take a pilot on board, *It is further enacted*, That from and after the passing of this Act, where any master or commander shall be entitled to his exemption or discharge from paying of powder money or powder duty, on account of his passage inward or outward, from port to port within this Province, he shall be also excused and discharged from paying of pilotage to the pilot or pilots of that port or place where he shall enter with such ship or vessel, unless such master or commander shall actually employ, contract with, or take a pilot on board for that purpose; any law, usage or custom, to the contrary notwithstanding. Such vessels may be excused from pilotage.

III. Obsolete.

IV. And to prevent impotent, lame or otherwise infirm persons, who are likely to be a charge and burthen to the parish, being imported and brought from any other country, island, colony or plantation, and landed in any part within this Province, *Be it enacted*, That every master of a ship or other vessel, arriving at any port within this Province, shall at the time of his entering his ship or vessel with the publick treasurer of this Province, for the time being, deliver to the said publick treasurer a perfect list or certificate under his hand, of the christian and surnames of all passengers, as well servants as others, brought in such ship or vessel, and their circumstances so far as he knows, on pain of forfeiting the sum of £100 current money, to the use of the poor of the parish or town where such passengers shall be landed or sent on shore, for every passenger that he shall omit to enter his or her name in such list or certificate, to be recovered by the publick treasurer, in any court of record in this Province, by action of debt, bill, plaint or information, wherein no essoign, protection, privilege or wager of law shall be admitted or allowed. All masters of vessels arriving in this Province, shall give a list of their passengers names to the publick treasurer.

V. And when it shall happen any passenger so brought, be impotent, lame or otherwise infirm, or likely to be a charge to the parish, if such person shall refuse to give security, or cannot procure sufficient surety or sureties to become bound for his saving the town or parish from such charge, in such case the master of the ship or vessel in which such person came, shall be and is hereby obliged and required to carry or send him or No lame or impotent persons to be brought into this Province.

This section is obsolete, but part of it is inserted to explain the 2nd section. See A. A. October 17th, 1778.

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her out of this Province again, within the space of three months next after their arrival, or otherwise to give security to indemnify and keep the town or parish free from all charge, for the relief and support of such impotent, lame or infirm person, unless such person was before an inhabitant of this Province, or that such impotence, lameness or other infirmity, befel or happened to him or her during the passage, and in such case, if they be servants, their masters shall provide for them, and others shall be relieved at the charge of the parish: And the said publick treasurer is hereby required to inform and notify all masters of ships and other vessels coming to him to enter, of the import of this Act, and what is hereby enjoined and required of them; and the said publick treasurer shall forthwith transmit all lists or certificates of passengers, to the Governour or Commander-in-chief for the time being, and in his absence, to the first of his Majesty's Council, or commanding officer then in town.

C. PINCKNEY, *Speaker*.*In the Council Chamber, the 25th day of March, 1738.**Assented to: WILLIAM BULL.*

(The original Act not to be found. The above is copied from Grimke, page 155.)

No. 645. AN ACT FOR THE IMMEDIATE BUILDING UP A CURTAIN LINE BEFORE CHARLESTOWN BAY, AND PILING IN THE FRONT LOTS ON ASHLEY RIVER, AND FROM WHITE POINT TO VANDERHOST'S CREEK.

Preamble. WHEREAS, a certain Act, passed the seventeenth day of April, 1725, entitled an Act for preventing the sea's further encroachment upon the wharf or street commonly called the bay, in Charlestown, and for the expeditious repairing and finishing the front wall thereof; and another Act, passed the 29th day of May, 1736, entitled an Act for repairing the old and building new fortifications, for the security and defence of this Province from attacks by sea, and for appointing commissioners for carrying on such works, and for continuing New-street and Little street to Ashley river—have now fully answered the purposes thereby respectively intended: And whereas, in particular, the several owners, proprietors and claimants of the lots on Charlestown bay aforesaid, and of the lots or flats from high water to low water mark, fronting the said lots upon the bay, have not built and erected a good and substantial wall fronting on the said bay: And whereas, the proprietors of lots or flats from White Point to Vanderhost's creek, have not piled in their several fronts, pursuant to, and within the times respectively limited by the Acts aforementioned; we therefore humbly pray your most sacred Majesty, that it may be enacted,

I. And be it enacted by the Honourable William Bull, Esquire, President and Commander-in-chief in and over this Province of South Carolina, by and with the consent and advice of his Majesty's honourable Council and the Commons House of Assembly of this Province, and the authority of the same, That the commissioners hereinafter named, or the major part of them, and their survivors or a majority of them, shall and they are hereby empowered and required, with all possible speed and expedition, to build and finish a good and substantial wall or curtain line of brick and lime, or of stone and lime, in such manner as is directed by, and according to the true intent and meaning of the Act first above mentioned, (the

Commissioners to build a wall and curtain line of brick, stone and lime.

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materials only excepted, which are to be brick and lime or stone and lime, and no others) and to fill up the same, and to pile in and fill up the several front lots on Ashley river, and from White Point to Vanderhost's creek, in such manner, and with such materials, as is directed for that purpose, in the Act herein before mentioned, and to agree and contract with proper artificers and labourers; and also to hire negroes, and to purchase materials, as brick, stone, lime, timber, piles or whatsoever shall be wanting, for building up the said curtain line, or piling in the said front lots in manner aforesaid, or for the doing thereof in the most substantial and workmanlike manner; and from time to time to draw for sufficient sums of money to discharge such contracts and agreements, and to pay for the materials to be purchased as aforesaid, upon the publick treasurer for the time being, who is hereby authorized and required to pay all such draughts out of the orders stamped and issued to the amount of thirty-five thousand and ten pounds, by virtue of an Act passed the 5th day of March, 1736; and in case such orders shall fall short of answering and satisfying the said draughts, to pay the same out of the fortification fund: Provided nevertheless, that the proprietors, owners and claimants of the several lots and flats from Crockatt's wharf or bridge to Craven's bastion, shall, upon request made to the said commissioners in writing, and signed by the said proper owners or claimants, their attorney, guardian or trustee respectively, have liberty to build up and finish such part of the said curtain line or front wall as lie or happen to be before their respective lots or flats, of such materials, and in such substantial and workmanlike manner, as is directed by the Act before mentioned, and within twelve months after the passing of this Act; and that the said commissioners shall not in such case, take upon themselves the building of such wall, until the said twelve months are fully ended and determined; provided also, that the several owners of the front lots on Ashley river, shall also have twelve months time after the passing of this Act, to pile in their respective lots, according to the directions of this Act, before the said commissioners shall take upon them to do the same; any thing to the contrary hereof in any wise notwithstanding; provided always, that in case of any immediate danger of an invasion within the twelve months, it shall and may be lawful for the said commissioners, with the advice and consent of the Governor and Commander-in-chief, to fix gabions on the said part of the said front line, at the proper expense of the said owners and proprietors of the said lots; any thing in this or any other Act contained, to the contrary notwithstanding.

Proprietors of certain lots to build up the curtain line within twelve months.

Provisoos.

II. And in order to reimburse the aforementioned funds, such sum or sums of money as shall be drawn out of them respectively, in pursuance of this Act, as aforesaid, *It is hereby further provided and enacted* by the authority aforesaid, That the said commissioners, or the major part of them, or their survivors and the majority of them, shall and they are hereby authorized and required to make an exact estimate of the charge of building up the said curtain line from Granville's bastion to Crockatt's wharf, and piling in the said front lots on Ashley river, and from White Point to Vanderhost's creek, according to the number of feet respectively claimed by the proprietors of the lots and flats, or parts of lots or flats, lying before the said curtain line and on Ashley river, and from White Point to Vanderhost's creek, and to make an assessment accordingly upon the said proprietors, allowing the same proportion between the owners of lots and flats as is observed and required by the Act herein first above mentioned; and of such assessment, a true and exact copy, signed by the said commissioners, or a majority of them, to deliver to the publick trea-

The costs of building the said curtain line and piling in the said lots, to be reimbursed by assessment on the proprietors of the lots and flats.

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surer, within fourteen days after the finishing of the said curtain line from Granville's bastion to Crockatt's wharf, and piling in the said front lots, who is hereby empowered and required forthwith, upon the delivery of the said assessment, to give publick notice thereof by an advertisement, to be inserted in the Gazette for three weeks successively, and for want of the publication of such Gazette, to be affixed at the watch-house, or some other noted place in Charlestown.

The sum so assessed to be paid to the publick treasurer within one month.

III. *And be it further enacted* by the authority aforesaid, That the publick treasurer shall be and he is hereby enabled and required, to take and receive all and every sum and sums of money to be assessed as aforesaid, and to replace the same to the aforementioned funds, to make up the draughts as shall be taken out of them respectively, in pursuance of this Act: And provided, all and every the said proprietor and proprietors, and owners of lots or flats, or the part of the lots or flats aforementioned, shall not pay his, her or their respective quota or charge, to be assessed as aforesaid, within one month after notice given in manner above mentioned, to levy the same by warrant of distress, under the hand and seal of the said publick treasurer, and sale of the defaulter or defaulter's goods, or to expose to sale and sell the lot or flat, or part of the lot or flat, belonging to the party or partys so making default, and deduct the said quota or charge, with interest and charges, out of the monies arising from such sale, and return the remainder to the owner or owners of the said lots or flats, when demanded.

Case of owners neglecting to build up their part of the curtain line.

IV. *And be it further enacted* by the authority aforesaid, That the commissioners, or the major part of them, in case the proprietors and owners of the several lots and flats from Crockatt's wharf to Craven's bastion, shall not build up the several shares of the said curtain line herein to them respectively allotted, within the time herein limited for that purpose, shall build the said wall at the publick expense as aforesaid, and shall make an exact estimate of each proprietor's charge, and shall deliver a copy thereof to the publick treasurer, within fourteen days after compleating the said line or wall, who is hereby empowered and required to take and receive the sums so to be charged, and to replace the same to the several funds herein before mentioned, and in default of payment of any of the said sums, to levy the same by sale of the goods or the lots or flats belonging to the party or partys so making default, in manner as is herein before directed.

No opening from the bay to any bridge, shall exceed fifteen feet in breadth.

V. *And be it further enacted* by the authority aforesaid, That no opening or communication from Charlestown bay aforesaid, to any bridge or bridges, wharf or wharfs, which now are built and run out, or which hereafter shall or may be built and run out from the said bay into Cooper river, shall exceed in breadth fifteen statute feet at most; and that no house, weight house, ware house, shade, or other building, shall be, upon any pretence whatsoever, erected within fifty feet of the said curtain line, and that such houses, weight houses, ware houses, shades or other buildings which are already built and erected within such distance of the said curtain line, shall not be rebuilt, upheld or repaired upon any pretence whatsoever.

Buildings erected within fifty feet of the curtain line, to be removed.

VI. *And be it further enacted* by the authority aforesaid, That the commissioners hereinafter named, or the majority of them, shall and they are hereby impowered and required, to throw down, demolish or remove, or cause to be thrown down, demolished or removed, all and every such houses, weight houses, ware houses, shades or other buildings, which shall or may be built, erected, rebuilt or repaired,

within fifty feet of the said curtain line as aforesaid, at the charge and expense of the party or partys who shall build, erect, repair or rebuild the same, or shall cause or order the same to be built, erected, rebuilt or repaired; and the said commissioners and the majority of them, are hereby empowered to levy such charge and expense, by warrant or warrants, under their hands and seals, and sale of such offenders goods, which warrant shall be directed to any lawful constable of the Province of South Carolina, who is required to put the same in execution.

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VII. *And be it further enacted* by the authority aforesaid, That Alexander Hext, Isaac Mazyck, John Dart, Maurice Lewis, Esqrs. Henry Perroneau, jr. Thomas Lamboll, Esq. and Mr. Samuel Eveleigh, jr. shall be and they are hereby nominated and appointed commissioners, for all and every the purposes aforesaid; and any four of them shall be and are hereby declared to be a quorum, to put all and every the powers given by this Act, and the two Acts herein before mentioned, to the whole of them, in execution; and in case any of them shall happen to die, go off, or refuse to act, the Governour or Commander-in-chief for the time being, in Council, shall nominate and appoint another in the room or stead of him so dying, going off or refusing to act, which commissioner and commissioners, so by him from time to time to be appointed, shall have all the same powers and authoritys as are given to the commissioners expressly named in this Act.

Names of the commissioners.

VIII. *And be it further enacted* by the authority aforesaid, That the said commissioners shall and they are hereby authorized and required, within six months after the passing of this Act, to cause to be built and erected, a strong, firm and substantial bridge, of timber and plank, on the bay, over the street commonly called Dock-street, in such manner as the said commissioners shall think most convenient, and sufficient to bear the weight of great guns, to be transported over the same, from one part of the bay of Charlestown to another, as occasion may require, and shall draw orders on the publick treasurer, for the charge of purchasing materials for building the said bridge, and filling up the said Dock-street at each end of the said bridge with marsh mud, and the said publick treasurer is hereby ordered and required, to pay the same out of the fund appointed for building and repairing the fortifications of Charlestown.

Bridge over Dock-street.

IX. And whereas, stone ballast is so very useful and necessary for securing the fortifications in the port and harbour of Charlestown against the violence of the sea, for which reason encouragement has been lately given, in order to secure the same for the purposes aforesaid; nevertheless, many persons have found ways of obtaining and applying considerable quantities thereof to their own private use, to the manifest prejudice of the public, *Be it therefore enacted* by the authority aforesaid, That all the stone ballast, which for the space of seven years next after the passing of this Act, shall be brought in and unloaded in the port or harbour of Charlestown, shall be solely for the use of the publick; and the commissioners of the fortifications, for the time being, or such person or persons who shall be appointed to carry on such publick work, shall be and they are hereby authorized and empowered to take into their possession, and to carry to the fortifications, all stone ballast that shall be brought in as aforesaid, which shall or may be landed by order of the said commissioners, in any place in or before Charlestown, either on Cooper river or Ashley river side; provided nevertheless, that this Act shall not extend to be construed to debar any owner of any ship or vessel residing in this Province, to apply stone ballast, brought in such ship or vessel, to his own private use.

Stone ballast for the use of the publick.

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To be landed where the commissioners shall direct.

Ten shillings per ton to be paid besides the encouragement already given.

Duty on beacons and buoys remitted to such captains as shall land stone ballast at particular places.

Persons sued may plead the general issue.

Proviso.

X. *And be it further enacted* by the authority aforesaid, That stone ballast shall be landed and put on shore at such places only, as shall be appointed for that purpose, and staked or marked out by the direction of the commissioners on fortifications.

XI. And further to encourage vessels trading to this place to bring in stone ballast for the use aforesaid, *Be it therefore enacted* by the authority aforesaid, That besides the encouragement already given, the sum of ten shillings per ton of stone ballast, over and above the proper quantity required for ballasting such ship or vessel, shall be paid out of the publick treasury to the master or owner of such ship or vessel, on his or their producing a certificate from the commissioners on fortifications, specifying such surplus tonnage.

XII. And whereas, it is intended that several places shall be appointed for the reception of stone ballast, for the greater ease and conveniency of shipping and unloading the same, yet, inasmuch as it may sometimes happen that it may be wanted in one place more than another, and if so landed by the shipping may save considerable expense and charge to the publick, *Be it therefore enacted* by the authority aforesaid, That whenever it shall be requested by the commissioners on fortifications, or a majority of them, to land ballast at a particular place, the master of such ship or vessel as shall comply therewith, shall, on his producing a certificate thereof, further have the duty on beacons and buoys remitted, of which the officer appointed to collect the said duty, is hereby required to take notice; any law, usage or custom, to the contrary notwithstanding; and in case it should so happen that the said duty shall cease and determine before the expiration of seven years aforesaid, that then and in such case, an equivalent of what the said duty now is, shall be paid out of the publick treasury to the master aforesaid.

XIII. *And be it further enacted* by the authority aforesaid, That if a commissioner, constable or any other person or persons employed by the said commissioners, shall be sued, arrested or impleaded for any Act, matter or thing, which such commissioner or commissioners, constable or any other person or persons by them employed, shall do in pursuance of this Act, it shall and may be lawful for him or them to plead the general issue, and give this Act and the special matter in evidence; and in case the plaintiff or plaintiffs in such action or suit shall discontinue, become non suit, or a verdict shall pass against him or them, every defendant in such action or suit, shall have taxed and allowed to him and them, his and their double costs of suit, for which such defendant and defendants shall have like remedy as in other cases where costs by law are given to defendants.

XIV. *Provided always, and be it further enacted* by the authority aforesaid, That nothing herein before contained shall be extended to hinder or restrain any person or persons whatsoever, from repairing any house or houses which have been built before the said curtain line, not contrary to the directions or intention of any Act or Acts of the General Assembly of this Province, any thing herein to the contrary notwithstanding: And provided also, that nothing herein before contained shall be construed to empower any person and persons herein before mentioned, to sell or dispose of any lands belonging to minors who are beyond sea, or out of the limits of this Province, and who have no guardians in this Province, until two years next after such minors shall respectively attain the ages of twenty-one years: And in the mean time, the charge of building such front line before such minor's lot, shall be paid out of the fortification fund, and all such minors shall be obliged to repay the same with interest,

within two years after such minors shall attain their respective ages as aforesaid, or in default thereof, the said lots or parts of lots may be sold as is herein before directed, any thing herein to the contrary contained, notwithstanding.

A. D. 1738.

C. PINCKNEY, *Speaker*.*In the Council Chamber, the 25th day of March, 1738.**Assented to: WILLIAM BULL.*

AN ACT for clearing and opening the several Creeks, Cutoffs, or water passages therein mentioned, and for regulating the boats and pettiaguers going through the same. No. 646.

(Passed March 25th, 1738. See last volume.)

AN ACT for clearing, cleansing and making navigable Black River, and for keeping the same open and navigable from the Narrows inclusive, to the Western boundary of Williamsburgh Township. No. 647.

(Passed 25th March, 1838. See last volume.)

AN ACT TO PREVENT FRAUDS AND DECEITS IN SELLING RICE, PITCH, TAR, ROSIN, TURPENTINE, BEEF, PORK, SHINGLES AND FIRE-WOOD. No. 648.

FORASMUCH, as the credit and repute of the commoditys of this Province will likely be better increased and established by having wholesome laws therein subsisting for the reformation of abuses in selling the same, we therefore humbly pray his most sacred Majesty that it may be enacted, Preamble.

I. *And be it accordingly enacted*, by the Honourable William Bull, Esq. his Majesty's President and Commander-in-chief in and over this Province, by and with the advice and consent of his Majesty's Honourable Council and the Commons House of Assembly of this Province, and by the authority of the same, That all and every person and persons whatever, who after the first day of September next ensuing the passing of this Act, shall sell or expose for sale in any part of this Province, any pitch, tar, rosin, turpentine, beef or pork, in any casks or barrels, shall first set on every such cask or barrel a burnt mark with the first letter of the christian name and the surname at length, of the maker of such commodity, with an iron brand hereby directed for that purpose; and if any person after the said first day of September aforesaid, shall in any part or place of exportation within this Province, sell or expose to sale, any of the said commoditys herein before mentioned, in any cask or barrel, before the same be marked and branded as aforesaid, every such person shall for every such cask and barrel forfeit the sum of twenty shillings current money of this Province, to the person or persons who will inform and sue for the same, to be recovered before any justice of peace of this Province, in such manner as is provided by the Act for the tryal of Every barrel to be marked with a burnt mark.

Penalty for selling without mark or shipping unmarked casks or barrels.

A. D. 1738.

small and mean causes; and if any merchant, factor, trader or other person, shall after the said first day September, ship or put on board any ship or vessel any of the said commoditys herein before enumerated, in any casks or barrels, with the intent to export the same before such casks or barrels be marked and branded as aforesaid, every such merchant, factor, trader or other person, shall forfeit the sum of twenty shillings for every such cask or barrel, to be sued for, recovered and disposed of in manner aforesaid.

Rice fraudulently mixed and sold to be forfeited.

II. *And be it further enacted* by the authority aforesaid, That if any planter or other person shall sell or expose to sale, to any merchant, factor or any other person, at any port or place of exportation within this Province, any casks or barrels of rice, which upon opening or uncasking the same shall be found to contain any unfair and fraudulent mixture of small or damaged rice, then and in every such case, the seller of the said rice or person offering the same to sale, shall immediately on the request of the buyer or person offering to buy the same, name one indifferent person, being a freeholder, and the said buyer another, to view the said rice, and if such two persons shall agree in opinion, and certify the same in writing under their hands, that such rice was deceitfully and fraudulently packed and exposed for sale, every such cask or barrel so fraudulently packed and exposed to sale, shall be, and the same is hereby declared to be forfeited to his Majesty, for the use of the publick of this Province, and to be applied in ease of the tax of the then current year; and the same shall be sold or caused to be sold by the Publick Treasurer of the Province, or by the persons or person who shall condemn the same, for the use aforesaid, who shall be allowed thereout, five per centum for their trouble; provided always, that if the seller shall refuse to nominate a person to view the said rice, that then the buyer shall nominate both the persons to view such rice, who shall have the same power as if one had been named by the seller and one by the buyer; provided also, that in case the said persons nominated as aforesaid, shall not agree in opinion, they shall have power to nominate a third person, being a freeholder as aforesaid, who shall have the same power as the first two by this Act have; and in case either of the said two persons shall refuse or neglect to join, or cannot agree in nominating such third person, then and in such case, any justice of the peace, on notice given by both or either of the said persons shall, and he is hereby required to nominate such third person, which third person shall have the same power in the premises as if he had been nominated by both; provided lastly, that such adjudication and certificate shall be made within eight and forty hours from the first application; and the said certificate shall be deemed a sufficient condemnation of the said rice to warrant the sale thereof as aforesaid; any law, usage or custom to the contrary notwithstanding.

Viewers to be nominated.

Who may appoint a third person.

Adjudication to be made within 48 hours.

Casks to be made of well seasoned white oak.

Weight and contents of barrels and casks of various articles.

III. *And be it further enacted* by the authority aforesaid, That every person and persons in this Province shall make his and their casks for packing beef, pork or butter, of sound, dry and well seasoned white oak timber, the heads as well as bodys of which casks shall be made tight, so as to hold pickle, and shall fill the said casks with water before the same is packed with any beef, pork or butter.

IV. *And be it further enacted* by the authority aforesaid, That from and after the said first day of September aforesaid, every barrel of pitch which shall be made and sold in this Province, shall contain three hundred and twenty-two pounds gross weight; every barrel of tar shall contain thirty-two gallons; every barrel of pork or beef shall contain

thirty-two gallons and two hundred weight of wholesome, well cured meat in the same, which shall be weighed by the packer, and well packed with salt and pickle, and not more than two heads in one barrel of pork, but no beef's heads shall at all be packed, and no more than two shanks in each barrel of beef; and every barrel of rosin or turpentine shall be filled with rosin or turpentine clean, strained and merchantable, without chips, leaves, filth or dirt.

A. D. 1738.

V. *And be it further enacted* by the authority aforesaid, That no merchant, factor, trader or other person, shall ship or put on board any ship or vessel for exportation from this Province, any tar or turpentine, before the same be marked by some publick packer, who shall be appointed for that purpose, as by this Act is hereinafter directed; and if any person shall offend therein, he shall forfeit the sum of twenty shillings current money for each cask or barrel so shipped for exportation, before the same be marked as aforesaid, to be sued for and recovered before any justice of peace of this Province, in such manner as is provided by the Act for the tryal of small and mean causes, and the said forfeiture shall go to the informer.

Not to be shipped before being marked by the public packer.

VI. *And be it further enacted* by the authority aforesaid, That in case any publick packer shall suspect any barrel or barrels of tar or turpentine, before he marks the same, to be fraudulent and deceitful, he shall acquaint the person treating for the purchase of the same of such his suspicion, and shall be obliged to open and examine any such suspected cask or casks, barrel or barrels, and if the same shall appear to be fraudulently and deceitfully packed and exposed to sale, the same shall be forfeited and sold by the Treasurer to such persons as will expend and use the same within this Province, and applyed to the same uses as is before directed in the case of rice.

Who may open suspected casks.

VII. *And be it further enacted* by the authority aforesaid, That no merchant, factor, trader or other person, shall ship for exportation on board any ship or vessel, any beef or pork for a foreign market before the same be packed by the publick packer of that port or place where the same is intended to be shipped, and by the said packer marked or branded, on pain of every such person's forfeiting the sum of twenty shillings for every such cask or barrel.

Casks of beef and pork for foreign markets to be first marked and branded.

VIII. *And be it further enacted* by the authority aforesaid, That the packers of the several ports of this Province shall severally and respectively be nominated and chosen yearly, at the time of choosing parish officers, by the freeholders of the respective parishes where such port is situate, who before they enter into the execution of their offices, severally and respectively, shall take the following oath before some neighbouring justice of the peace for that county, viz: "I, A. B., do solemnly and sincerely swear, that I will faithfully and impartially execute the business and duty of a packer in the town and port of —, without favour or prejudice to any person or party whatever, according to the best of my skill and judgment, and with the greatest expedition: So help me God." Provided always, that there shall be six packers for the port of Charlestown and two for each of the other ports, and no more.

Packers how to be nominated.

Packer's oath.

IX. *And be it further enacted* by the authority aforesaid, That the public packers of the several ports of this Province shall receive for their trouble, from the seller or owners of any tar, the sum of twelve pence, and for every barrel of turpentine, six pence, which he or they shall mark or brand; and the sum of two shillings and six pence for every cask of pork or beef, which he or they shall pack and mark as aforesaid.

Their fees.

A. D. 1738.

Size of shingles.

X. *And be it further enacted* by the authority aforesaid, That all shingles which after the said first day of September aforesaid, shall be offered for sale in this Province, shall be made of good and sound timber, and shall be of the following dimensions, to wit, each shingle to be twenty-two inches in length and not less than half an inch thick at the thick end, and well shaved so as not to be winding, and not less than three inches and an half broad; and all shingles exposed for sale of smaller dimensions than what is herein before directed, shall be forfeited to the use of the work house in Charlestown.

Fraud in putting up pitch or rosin.

If condemned shall be forfeited.

In case of no condemnation the current price to be paid.

XI. *And be it further enacted* by the authority aforesaid, That if any fraud or abuse shall be suspected in any barrel or barrels of pitch or rosin, which shall be brought to market or exposed to sale, the person who shall treat for the purchase of such pitch shall be at liberty to cut open as many barrels of the same as he shall think proper, which shall be liable to be viewed, judged and forfeited as is herein before directed in the case of rice; and where any pitch or rosin shall be condemned as fraudulent by the person or persons impowered (as is herein before directed with respect to rice,) to view and judge the same, all such condemned pitch and rosin shall be forfeited and sold by the Treasurer, and applied to such uses as is before directed in the case of rice, and the owner or person exposing such pitch and rosin to sale shall also forfeit the sum of twenty shillings current money, for each barrel so fraudulently brought to market and exposed to sale, and the same may be recovered against him, as is provided by the Act for the tryal of small and mean causes, and shall be applied to the same uses as is herein before directed in the case of rice; provided always, that where any pitch or rosin shall be ordered to be cut open as aforesaid, without the consent of the owner or person offering or exposing the same to sale, the same shall be done at the risque of the person who shall cause such pitch to be so cut open, that is to say, if such pitch or rosin shall not be condemned as fraudulent by the person or persons impowered by this Act to view and judge the same, that then the person who caused the said pitch or rosin so to be cut open and examined, shall take to himself every such barrel so cut open and which shall not be condemned as aforesaid, and shall pay to the owner or person offering the same to sale, the current sum or price which good pitch or rosin shall then bear at that port or place; any thing herein before contained to the contrary notwithstanding.

If the owner do not live on his plantation the forfeiture shall fall on the overseer or manager.

XII. And forasmuch as overseers and managers of rice plantations and pitch and rosin works, in the absence or without the privity of their masters and employers, are often guilty of great abuses in the packing and mixing of rice, and filling pitch and rosin, to be sent to market, to the great injury of the buyers as well as discredit of the employers, *Be it therefore further enacted* by the authority aforesaid, That whenever any rice, pitch or rosin shall be sent from any plantation under the care or management of an overseer or manager, and where the employer does not then live nor shall happen to be present, if such rice, pitch or rosin shall by virtue of this Act be forfeited on account of any unfair and fraudulent mixture, the loss of the rice, pitch or rosin so forfeited, shall fall upon the overseer or manager of that plantation where the same was packed or filled; and the master or owner of the said plantation shall have power to deduct the value of the rice, pitch or rosin so forfeited, out of the wages, share or stipend of such overseer or manager, or recover the same by legal process, if he shall think proper, unless such overseer or manager shall make appear by the evidence of some white person, that to the best of his, the said white person's opinion and belief, the barrels which contained the same were

well headed and nailed or pegged in his presence, and that he saw the rice, pitch or rosin fairly packed and filled in the same. A. D. 1738.

XIII. *And be it further enacted* by the authority aforesaid, That from and after the said first day of September, all fire-wood which shall be landed for sale on any bridge, wharf or other landing place in Charlestown, shall consist of four feet in length, for the full cord, or two feet in length for the half cord, and shall be fairly and closely corded up before the same is sold or carried from the same bridge, wharf or landing place; and each full cord shall consist of eight feet in length and four feet in height; and every half cord of short wood shall consist of two feet in depth, eight feet in length, and four feet in height; and every half cord of full cut wood shall consist of four feet in length, four feet in height and four feet in depth; and in case of any deficiency in the length of any wood so directed to be corded up as aforesaid, such deficiency shall be made up by a proportionable height of the said cord, according to the direction of the wood measurer hereinafter required to be appointed; and in case any person shall presume to sell and carry off any fire-wood in Charlestown, before the same is corded up and viewed, and approved by the wood measurer for the time being, unless it be by the consent and desire of the buyer, every such person shall forfeit the full price of the said wood, to the use of the work house in Charlestown, to be recovered as is provided by the Act for the tryal of small and mean causes. Cording of fire-wood.
Wood not to be carried away before inspection by the wood measurer.

XIV. *And be it further enacted* by the authority aforesaid, That there shall be yearly and every year chosen in manner aforesaid, four reputable persons, being freeholders residing in Charlestown, to be wood measurers in the said town for the ensuing year; and the said wood measurers, for their trouble in viewing and measuring each cord of wood landed and sold in the said town, shall be paid by the seller the sum of six pence currency for each cord so landed and sold. Fee of the wood measurers.

XV. *And be it further enacted* by the authority aforesaid, That this Act and every matter and thing herein contained shall continue in force for the term of three years, and from thence to the end of the next session of the General Assembly, and no longer.

C. PINCKNEY, *Speaker.*

In the Council Chamber, the 25th day of March, 1738.

Assented to: WM. BULL.

AN ACT for the better securing the fund of twenty-seven thousand one hundred and seventy-one pounds four shillings five and a quarter pence, due to the public from the estate of Alexander Parris, Esq. deceased, late Publick Treasurer and receiver of the Province. No. 649.

(Passed March 25th, 1738. The original Act not now to be found.)

A. D. 1738.

No. 650. *AN ACT* FOR RAISING THE SUM OF EIGHT THOUSAND THREE HUNDRED AND FIFTY-SEVEN POUNDS TWO SHILLINGS AND SEVEN PENCE, CURRENT MONEY OF THE PROVINCE OF SOUTH CAROLINA, AND FOR APPLYING THE SUM OF NINETEEN THOUSAND ONE HUNDRED AND THIRTY-NINE POUNDS SEVEN SHILLINGS AND EIGHT PENCE, BEING CERTAIN SURPLUSES NOW IN THE HANDS OF THE PUBLICK TREASURER OF THIS PROVINCE, FOR DEFRAYING THE CHARGES OF THE GOVERNMENT FOR ONE YEAR, COMMENCING THE TWENTY-FIFTH DAY OF MARCH, ONE THOUSAND SEVEN HUNDRED AND THIRTY-SEVEN, AND ENDING THE TWENTY-FIFTH DAY OF MARCH, ONE THOUSAND SEVEN HUNDRED AND THIRTY-EIGHT.

Preamble.

WHEREAS, it appears, upon an estimate made of the charges of the Government, that the sum of twenty-seven thousand four hundred and ninety-six pounds ten shillings and three pence, in the present currency, will be wanting for defraying of the same; we therefore pray your most sacred Majesty that it may be enacted,

Distribution of the amount of taxation.

I. *And be it enacted*, by the Honourable William Bull, Esq., President and Commander-in-chief in and over the Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council and the Commons House of Assembly of this Province, and by the authority of the same, That a tax or sum of eight thousand three hundred and fifty-seven pounds two shillings and seven pence, current money of this Province, be imposed and levied on the several inhabitants and owners of lands or slaves, stock and cash, within the same; that is to say, the sum of one thousand three hundred and ninety-two pounds seventeen shillings and one penny, part thereof, on the inhabitants of Charlestown within the town plat, and the sum of six thousand nine hundred and sixty-five pounds five shillings and six pence, residue thereof, on the several inhabitants of this Province without the said town plat; which said sum of eight thousand three hundred and fifty-seven pounds two shillings and seven pence, current money of this Province, shall be applied to the use of his Majesty for the support of this Government.

Slaves, lands and lots taxed.

II. And for the more certain and effectual levying thereof, *It is hereby enacted and declared*, That the sum of two shillings and six pence current money, per head, shall be levied on all negroes and other slaves whatsoever, within the limits of this Province; and the sum of two shillings and six pence per hundred acres, on all lands throughout the said Province, (town lots without the limits of Charlestown plat excepted.) Provided always, that nothing herein contained shall be extended to oblige those new settlers in any of the townships laid out in this Province, to the payment of any part of the said tax, who shall make oath before the collector of the tax in the respective parish where such person resides, that such new settler settled himself in such township upon the encouragement given by the publick, and that he either hath received or is entitled to receive the bounty of the publick; any thing herein contained to the contrary notwithstanding.

New settlers exempted.

Land owners to give in a return to the inquirers.

III. *And be it further enacted* by the authority aforesaid, That all persons whatsoever, who are possessed of any lands or slaves in this Province, either in their own right or in the right of any other person, or are liable to pay any tax by virtue of this Act, shall on or before the second Tuesday in May next ensuing, render a particular account thereof in writing,

(and in what parish the same doth lye, to the best of his knowledge) to the enquirers and collectors of the several parishes and places respectively where the person who is to render such account does live and reside, and at such times and places as the said enquirers and collectors or any two of them shall direct or appoint for the doing thereof, so that the same be done on or before the said second Tuesday in May next; and the person so rendering his account, shall give in to the said enquirers and collectors the number of his slaves and the quantity of land that he is possessed of in this Province.

A. D. 1738.

IV. And whereas, there are divers tracts of land in this Province held, owned or claimed by persons not resident here, who pay no tax or other charge towards the support of the Government of this Province, *Be it further enacted* by the authority aforesaid, That all attorneys or trustees of or for any person or persons living or residing without the limits of this Province, shall make due and true return to the respective inquirers of such parish or district where such attorney or trustee lives or resides, of all lands belonging to such absent persons for whom they are attorneys or trustees; and that such attorneys and trustees shall be subject and liable to pay the tax to become due by virtue of this Act, for such lands, out of his and their own proper estate, notwithstanding such attorney or trustee may renounce or disclaim acting as such before the said tax is paid or levied; and for levying whereof, the same remedies shall and are hereby given as for levying the tax to become due by virtue of this Act, on the proper estate of such attorney or trustee; or the collectors and enquirers of the several parishes respectively where any lands lye which are held or owned by any person or persons not resident in this Province, shall be, and they are hereby authorized and impowered, directed and required, either to sell and dispose of any timber, lightwood or other wood thereon standing, growing or being, to the amount or value of the tax such lands are lyable to pay by virtue of this Act, or to let to farm all or any part or parcel of such land, without impeachment of waste, to any person or persons whatsoever, for any term or time not exceeding four years, till the rents arising thereby shall be sufficient to pay the said tax, at the election of such collectors and inquirers, unless any person shall tender the tax money for such land. And all and every sale of such timber, lightwood, or other wood, and leases of such lands as aforesaid, shall be and they are hereby declared good and valid to all intents and purposes whatsoever; any law, statute, usage or custom to the contrary thereof in any wise notwithstanding.

Attornies and trustees to make returns.

V. *And be it further enacted* by the authority aforesaid, That in case any tract or tracts of land shall be found by the inquirers, assessors or collectors, to belong to any person or persons living or residing out of the limits of this Province, and who have no attorney or attorneys, trustee or trustees, legally constituted, in this Province, that then and in such case the inquirers, assessors or collectors shall be and they are hereby authorized and required to charge the said lands rateably and proportionably, according to the quantity of acres, and as if the same were in the actual possession of some person or persons living and residing within this Province, and forthwith to publish and give notice of such their charge or assessment in the Gazette, or by writing fixed at the church door of the parish where such lands shall be situate; and in case the sum or sums with which such lands shall be so charged as aforesaid, and the lawful interest thereof from the time of the assessment, made at the rate of ten per cent per annum, shall not be paid to the assessors or collectors, or to the public treasurer or receiver of this Province, within two years next after such

Case of non-residents, how to be proceeded against.

A. D. 1738.

notice shall have been given as aforesaid, that then such lands shall be forfeited to his Majesty and be deemed and taken as vacant lands; any law, usage or custom to the contrary thereof in any wise notwithstanding.

Inquirers and
collectors
nominated.

VI. *And be it further enacted* by the authority aforesaid, That the several persons herein after named, shall be inquirers and collectors for the several parishes hereafter mentioned respectively, viz: for the parish of Christ Church, Mr. Edward Croft and Mr. Daniel Crawford; for the parish of St. James Goose Creek, Theodore Verditte, Mr. Job Rothmahler and Mr. Zachariah Villepontoux; for the parish of St. John in Berkeley county, Captain Thomas Ferguson, Mr. Richard Gough, Major Christian Motte; for the parish of St. George, Capt. Thomas Johnson and Mr. Richard Walker; for the parishes of St. Thomas and St. Dennis, Captain Michael Darby and Mr. Robert Quash; for the parish of St. Andrew, (James Island excepted) Mr. John Drayton and Mr. John Cattell, (son of Benjamin); for that part of the said parish called James Island, Captain William Stobo and Mr. James Scriven; for the parish of St. John's, in Colleton county, Mr. Michael Beresford and Mr. Robert Cole; for Wadmelaw Island, Mr. Robert Sams and Mr. John Laroche; for Edisto Island, Mr. Henry Bailey and Mr. Joseph Seely; for the parish of St. Paul, that is to say, for Stono and the east side of Pon-pon, Mr. John Baggin, Mr. Richard Wright and Mr. John Bull; and for Beach Hill, in the said parish, Mr. Robert Quarterman and Mr. John Baker; for the parish of St. Bartholomew, Mr. Culchworth Golightly, Mr. William Crawl and Mr. Thomas Melvin; for Combee and Chehaw, in the said parish, Mr. Thomas Storks and Mr. Elisha Butler; for the parish of St. James Santee, Mr. Edward Thomas, Mr. Paul Bruneau and Mr. Peter Benoit; for the parish of Prince George Winyaw, Mr. John Murrell, Mr. Paul Trapier and Mr. John Horry; for the parish of Prince Frederick, Mr. Anthony Atkinson, Mr. Richard Walker and Mr. Lewis Palmerin; for the parish of St. Helena, Port Royal, Mr. Hugh Wise, Mr. James Reynolds and Mr. James Deveaux.

Other nomina-
tions.

VII. *And be it further enacted* by the authority aforesaid, That Mr. John Beswicke, Mr. William Matthews and Mr. Andrew Dupuy, be, and they are hereby appointed inquirers for the parish of St. Philip's, Charles-town; and that Captain Ebenezer Simmons, Mr. Thomas Cooper, Mr. Richard Lampton, Mr. Garret Vanvelsin, and Mr. Paul Douxsaint, be, and they are hereby appointed assessors and collectors for the parish of St. Philip's, Charlestown.

Time of pay-
ment.

VIII. *And be it further enacted* by the authority aforesaid, That all persons whatsoever, that are possessed of any lands or slaves in this Province, in their own right, or in the right of others, or are any ways liable to pay tax by virtue of this Act, shall pay in their taxes to the several persons hereby appointed to receive the same, on or before the second Tuesday in June next ensuing, or within ten days then next after at farthest, at which time the said inquirers, collectors and assessors of the several parishes respectively within this Province, shall close their accounts, and shall transmit the same on oath to the public treasurer for the time being, and pay him all such moneys as shall be by them respectively received, in pursuance of the directions of this Act, on or before the first Tuesday in July next ensuing. And all and every person whatsoever, liable to pay any tax by virtue of this Act, shall, at the time of giving in their accounts to the several inquirers and collectors, respectively, take the following oath, viz: "I, A B, do swear that the account I now give in is a just and true account of all the lands and slaves which I, either in my own right, or in the right of my wife, (or my wife as guardian or trustee) am or is any ways

Oath of the
owners of tax-
able property.

possessed of, interested in or entitled unto, by virtue of or under any patent, grant or warrant and survey thereon, within this Province, either in my own right, or as executor, administrator, guardian or attorney to or in trust for any other person or persons whosoever; and this I declare without any equivocation or mental reservation whatsoever: So help me God." Which oath any of the inquirers and collectors are hereby impowered and required to administer. And the said inquirers and collectors, for each parish and district respectively, shall give in an account in writing of their own lands and slaves, on oath, after the manner before directed, to the receiver or publick treasurer respectively.

IX. *And be it further enacted* by the authority aforesaid, That if any person or persons, in giving in or rendering his account of lands and slaves as aforesaid, shall wilfully or voluntarily conceal any part thereof, all such persons shall forfeit treble tax for what they so conceal.

A. D. 1738.
Treble tax to be paid on concealment.

X. *And be it further enacted* by the authority aforesaid, That any person neglecting or refusing to give in his, her or their account of lands and slaves to the inquirers and collectors aforesaid respectively, at such time and place as they shall appoint, or by the third Tuesday in May next, at furthest, he, she or they shall be deemed a defaulter or defaulters, and shall be by the inquirers and collectors doubly taxed for all his, her or their lands and slaves.

Persons omitting to make returns to be deemed defaulters.

XI. And whereas, divers inhabitants living and residing without the limits of Charlestown plat, are possessed of divers houses and town lots, or parts of lots, within the same, *Be it therefore enacted*, That all such persons shall be rated for such lots as if they were actually resident in Charlestown; and all town lots and the improvements thereon within the limits of Charlestown plat, shall be rated at the discretion of the assessors in Charlestown.

Non resident owners of lots.

XII. *And be it further enacted* by the authority aforesaid, That the inquirers for Charlestown are hereby directed and ordered to inquire into and take an account of all such real estates and slaves of the inhabitants living and residing within the limits of the parish of St. Philip's, Charlestown, which they shall be possessed of, interested in or entitled unto, either in their own right or in the right of any other person whosoever, which are lying or being in the parish of St. Philip's, Charlestown, and of all the lands and slaves which the inhabitants of Charlestown are possessed of without the limits of the same, or in any other part of this Province; and the said inquirers shall make and finish their inquiry, and return the same to the assessors hereby appointed for Charlestown, on or before the last Tuesday in May next; and the said inquirers for Charlestown shall likewise extract and certify to the said assessors all the lands given in to them by the owners and inhabitants of Charlestown without the limits of the said town plat; and all lands and slaves without the limits of Charlestown plat, shall be reckoned as part of the country tax. Provided always, nevertheless, that nothing herein before contained shall extend or be construed to extend to give the said assessors any power or authority to rate or assess any goods, wares, merchandizes or effects, as shall be consigned immediately to any merchants or factors in this Province to dispose of as factors only.

Inquirers to take account of property out of Charlestown, owned by residents in Charlestown.

Property held on consignment not to be taxed.

XIII. *And it is hereby declared*, That the several slaves belonging to the inhabitants of Charlestown, which have been for six months last past employed in Charlestown, shall be reckoned and accounted as part of the tax to be leveyed on the inhabitants of Charlestown; and that all and every their lands and slaves in the country shall be reckoned and accounted as part of the country tax.

Slaves employed for 6 months in Charlestown.

A. D. 1738.

How store-keepers are to be taxed.

XIV. *And be it further enacted* by the authority aforesaid, That the store-keepers living in the country shall be rated by the inquirers in the several parishes where they live, for their stock and cash, after the rate of one per cent., and the money arising by the assessment of such stores shall be paid to the collectors respectively, and shall be deemed as part of the country tax. And in such parishes where one of the inquirers and collectors shall happen to be a store-keeper, the other inquirer and collector shall be and is hereby empowered to assess such store-keeper in the same proportion as other store-keepers are assessed at.

In case of being over-rated, persons taxed may swear off.

XV. *And be it further enacted* by the authority aforesaid, That every person, as well an inhabitant of Charlestown as store-keepers in the country, who shall have reason to believe he is over-rated by such assessors, shall have ten days publick notice given by the assessors or inquirers, at the watch-house in Charlestown, or in any other publick place in the country for that purpose, to swear off so much as he or they shall think they are over-rated before the said assessors or inquirers as aforesaid, and the said assessors and inquirers are hereby empowered to administer such oath and allow of an abatement accordingly.

Oath of persons making return of taxable property.

XVI. *And be it further enacted* by the authority aforesaid, That the said assessors and collectors for Charlestown, upon receiving the returns of the inquirers, shall administer to them the following oath: "You, A B, C D and E F, do swear, that the account you now give in, is a full and true account of all the real estates and slaves of the several inhabitants of the parish of St. Philips, Charlestown, according to the best of your knowledge, so help you God."

XVII. *And be it further enacted* by the authority aforesaid, That the said inquirers for Charlestown, shall at the same time render an account to the said assessors and collectors of their own real estates and slaves in this Province, and take the same oath before the assessors, *mutatis mutandis*, as they are directed to administer to the other inhabitants of Charlestown.

Proportion of taxation for Charlestown.

XVIII. *And be it further enacted* by the authority aforesaid, That the said assessors and collectors shall be and they are hereby authorized to rate and assess the sum of one thousand three hundred and ninety-two pounds seventeen shillings and one penny, on the real and personal estates, stocks and abilities of the inhabitants of Charlestown, and others interested in the said town as aforesaid, rateably and proportionably, according to the best of their skill and knowledge; and any two of the said assessors and collectors shall be a quorum, and shall meet at the new Court House in Charlestown, on the last Tuesday in May next, and there continue to finish the assessment of Charlestown, or to adjourn to any other place, as they shall see fit; and the said assessors shall finish and compleat the said assessment for Charlestown, on or before the last Tuesday in June next, and shall cause a duplicate thereof to be posted at the Watch-house in Charlestown, in seven days after the said assessment shall be closed.

Oath of the assessors for Charlestown.

XIX. *And be it further enacted* by the authority aforesaid, That the assessors for Charlestown shall, before they enter upon the execution of their office, take the following oath, before one of his Majesty's justices of the peace, who shall give them a certificate for so doing, gratis: "I, A B, do sincerely swear that I will indifferently, equally and impartially rate and assess all and every person to me returned to be assessed by the inquirers of Charlestown for that purpose, according to the directions to me given by this Act, and according to the best of my skill and knowledge, so help me God."

XX. *And be it further enacted* by the authority aforesaid, That in case the assessors shall find any mistake in the return of the inquirers, the said assessors shall not be so strictly bound by the said return but that they may have liberty to proceed according to better information and knowledge.

A. D. 1738.

Mistakes may be rectified.

XXI. *And be it further enacted* by the authority aforesaid, That every person so assessed by the said assessors for Charlestown, shall pay into the hands of the said assessors and collectors the several sums of money on them respectively assessed, on or before the third Tuesday in July next.

XXII. *And be it further enacted* by the authority aforesaid, That in case any person whatsoever, living without the limits of Charlestown plat, shall neglect or refuse to pay in his or their tax, at the days and times herein before mentioned and appointed for the payment thereof, the inquirers and collectors respectively shall, within ten days after the time is fully elapsed, without favor or affection or further delay, levy the same by virtue of a warrant, by them or any one of them to be signed and sealed for that purpose, which warrant shall be directed to the constable or constables of the respective parish where such defaulter lives or resides, requiring him to levy the same by distress and sale of the defaulter's goods, returning the overplus (if any there be) to the defaulter, after deducting the reasonable charges; and if no such distress can be found, and the defaulter shall neglect or refuse to produce goods whereon the moneys so assessed may be forthwith levied, then the said constable or constables, by virtue of the said warrant, shall take the body of such defaulter, and bring him to the common goal in Charlestown; which warrant shall run in these words, *mutatis mutandis*, viz:

Inquirers and collectors may issue warrants against defaulters.

"By A B, C D and E F, collectors of the general tax for the parish or precinct of . . . in . . . county. To G H, constable of the precinct of . . . or to the provost marshal of the Province of South Carolina, or his lawful deputy: Whereas, J K, of . . . , hath been duly assessed by us the subscribers, collectors of the tax for the parish or precinct of . . . , the sum of . . . for . . . tax, for defraying the charges of the year ending on the twenty-fifth day of March, one thousand seven hundred and thirty-eight, which . . . hath neglected to pay: These are therefore in his Majesty's name, strictly to charge and command you to levy by distress and sale of the goods and chattels of the said J K, the said sum of . . . , together with the charges thereof, and of keeping and detaining him as aforesaid; and for your so doing this shall be your sufficient warrant. Given under our hands and seals, this . . . day of . . . , Anno Domini 173 .

Form of the warrant.

"A B, C D, E F."

And the provost marshal shall detain such person in the goal aforesaid, without bail or mainprize, until they have satisfied the debt and charges aforesaid. And the said assessors and collectors of the parish of St. Philips Charlestown, shall have the same powers and authorities, and proceed in the same manner for levying and recovering the tax of the defaulters living within the said parish, as is above directed.

XXIII. *And be it further enacted* by the authority aforesaid, That the constable or constables to whom such warrant shall be directed, shall take the following fees in the execution of their office, viz: For every execution, six shillings, and twelve pence for every pound to be levied as aforesaid, and twelve pence for every mile, to be computed from the dwelling house of such constable or constables, to the dwelling house or place of residence of such defaulter, and no more or any

Fees allowed.

A. D. 1738.

other fee or fees whatsoever; and the inquirers, collectors and assessors respectively, for every such warrant he or they shall so issue, shall have from such defaulter ten shillings current money.

In what case the warrant shall issue for double the amount of the last tax.

XXIV. *And be it further enacted* by the authority aforesaid, That if any taxable person shall neglect to give an account of his estate to the said inquirers and collectors, by the time before limited in this Act, or shall omit or neglect to pay either his own tax or the tax to be assessed by virtue of this Act on any person for whom he is guardian, attorney, executor or trustee, by the time above limited, the said inquirers and collectors respectively, where such taxable person lives, are hereby impowered and required to issue their warrant in the same manner as above directed; and in case the said inquirers and collectors shall not have a just information what such person's tax doth amount to, the said warrant shall run for double the sum such person was rated in the last tax, and shall be dealt with in all other respects as a defaulter.

Power of the publick treasurer.

XXV. *And be it further enacted* by the authority aforesaid, That the publick treasurer shall have full and ample power, in all respects, for collecting and getting in arrears of taxes, which are or were due by any former law or Act of Assembly, notwithstanding the same be repealed or expired, and the same may be recovered by virtue of a warrant under the hand and seal of the publick treasurer.

Taxables about to leave the Province.

XXVI. *And be it further enacted* by the authority aforesaid, That in case any person shall happen to dye between the time of giving in his account to the said inquirers and collectors, and the paying of his tax, and any goods or chattels of the deceased, to the value of the sum he was assessed at, shall come to the hands of his executors or administrators, or any executors in their own wrong, such executors or administrators shall pay the same by the time before limited, prior to all mortgages, judgments and debts whatsoever, (debts due to his Majesty only excepted) or otherwise a warrant or execution shall issue against the proper goods of such executor or administrator; and if any person, between the time limited for rendering the account of his estate to the collectors and inquirers aforesaid, and the time of paying in his tax, shall be about to depart this Province, the said collectors and assessors are hereby directed and required forthwith to levy the same, notwithstanding the day of payment is not already come, unless such person will find suretys to the liking of the said collectors and assessors, for the payment thereof at the time appointed.

Deeds made to avoid taxation declared void.

XXVII. *And be it further enacted* by the authority aforesaid, That all deeds of gift, conveyances, mortgages, sales and assignments of lands and tenements, goods and chattels, of any person whatsoever, made with an intent to avoid being assessed or paying tax, are hereby deemed and declared to be fraudulent and null and void, to all intents and purposes whatsoever.

In case of mortgaged property.

XXVIII. *And be it further enacted* by the authority aforesaid, That in case any person who has mortgaged any part of his real or personal estate, shall refuse or neglect to pay tax for the same, the mortgagee shall be answerable and lyable to pay the sums assessed on the mortgager; provided that such estate shall be in the possession of the mortgagee.

Penalty for neglect of duty.

XXIX. *And be it further enacted* by the authority aforesaid, That the publick treasurer, inquirers, collectors, assessors, marshall, constables and every other magistrate or officer, who shall neglect or refuse to do and perform the several matters hereby required of them to be done respectively, within the time prescribed by this Act, shall for every such neglect

or refusal, forfeit the sum of one hundred pounds current money, to be recovered in any court of record in this Province, the one half to his Majesty for the support of this government, and the other half to him or them that will sue for the same, by action of debt, bill, plaint or information, wherein no essoign, privilege, protection or wager of law shall be allowed or admitted.

A. D. 1728.

XXX. *And be it further enacted* by the authority aforesaid, That in case any of the inquirers, collectors and assessors before mentioned, shall happen to dye, refuse to act, or depart this Province, before they have executed the powers and authorities hereby given them, that then his honor the President or Commander-in-chief, for the time being, is hereby impowered to nominate and appoint another fit person in the room of him so dying, refusing to act, or going off, and the person so appointed shall have the same powers and be under the same penaltys as the assessors, collectors and inquirers hereby nominated.

Case of inquirers, &c. dying or removing from the Province.

XXXI. *And be it further enacted* by the authority aforesaid, That the publick treasurer for the time being, be and he is hereby impowered to grant immediate execution against the provost marshal for the time being, and all former provost marshals, and in case of their decease, against their executors and administrators, where there are assets, for all arrears of taxes due and owing to the public of this Province, and also against all former constables and collectors of taxes, and collectors and assessors for the time being, for all taxes now or hereafter to grow due, when the time is or shall be elapsed for paying in the same; and in case the publick treasurer shall grant any execution or executions against any of the persons aforesaid, where there is nothing due, or for more money than is come to their hands, it shall and may be lawful to and for such person, against whom such execution is wrongfully granted, to maintain an action at law against such treasurer, and recover double damages and treble costs of suit.

Process against the provost marshal.

Remedy in case of execution granted for more than is due.

XXXII. *And be it further enacted* by the authority aforesaid, That if any of the assessors, inquirers, collectors, provost marshal, constables, publick treasurer, or other person, shall be sued for any matter or thing by him or them done in execution of this Act, it shall and may be lawful for such person and persons aforesaid, to plead the general issue, and give this Act and the special matter in evidence, and in case a verdict shall pass for the defendant or defendants, he or they shall recover double costs of suit.

General issue may be pleaded and this Act given in evidence.

XXXIII. *And be it further enacted* by the authority aforesaid, That the collectors and assessors for the parish of St. Philips Charlestown, shall assess on the inhabitants and owners of land and slaves of the said parish, the sum of one thousand eight hundred and nineteen pounds eight shillings and four pence current money, more than their general tax, to be paid in proportion to their said general tax; and they are hereby authorized and required so to do, as by the Acts of the General Assembly for building the work-house and maintaining the watch in Charlestown in that behalf is directed and provided; and the said assessors and collectors for the said parish, are hereby impowered and required to levy the same accordingly, and to pay the sum of one thousand pounds, part thereof, to the publick treasurer, for the use of the work-house in Charlestown, and the sum of eight hundred and nineteen pounds eight shillings and four pence, other part thereof, to the said publick treasurer, for the use of the watch in Charlestown.

Portion of St. Philips above the general tax.

XXXIV. And whereas, the tax of the current year will amount to the sum of eight thousand three hundred and fifty-seven pounds two shillings

A. D. 1738.

Surplus of
£19139 7s. 8d.Appropriation
of the surplus
and the present
tax.

and seven pence, current money of this province; and whereas, it appears by the report of the committee on the publick treasurer's accounts, that the sum of seven thousand five hundred and fourteen pounds eight shillings and four pence half penny, current money, being the surplus of certain taxes and dutys, is now lying in the hands of the treasurer; and whereas, it also appears by the report of the committee on the accounts of the commissioners for exchanging the currency, that the sum of eleven thousand six hundred and twenty-four pounds nineteen shillings and four pence, current money, is now remaining in their hands as a surplus on the exchanging the said currency, which two sums, amounting in the whole to nineteen thousand one hundred and thirty-nine pounds seven shillings and eight pence half penny, by a certain Act of the General Assembly of this Province, entituled an Act for easing the tax of the current year to the inhabitants of this Province, by appropriating certain surplus moneys in aid of the same, passed the fourth day of February last, it was enacted that the said surplus moneys should be paid and applied by the publick treasurer, in aid of the tax for the current year, *Be it therefore enacted* by the authority aforesaid, That the said sum of eight thousand four hundred and sixty pounds eight shillings and four pence, and the said sum of nineteen thousand one hundred and thirty-nine pounds seven shillings and eight pence half penny, making together the sum of twenty-seven thousand four hundred and ninety-six pounds ten shillings and three pence, shall be appropriated, applied and paid by the publick treasurer, according to the schedule or estimate hereto annexed, and not otherwise, that is to say,

THE ESTIMATE

Of the Public Debt from the 25th day of March, 1737, to the 25th day of March, 1738, to which the Act annexed refers.

FORT MOORE.

The Commander,	£ 300 00 00
Lieutenant, at £14 per month,	168 00 00
Serjeant, at £9 10s. per month,	114 00 00
Provision for 17 men, at £32 per annum per man, £544; an addition of £6 per man, in consideration of the scarcity of the year, £102,	646 00 00
To 14 men, at £7 per month each,	1176 00 00—£2404 00 00

FORT JOHNSON.

The Commander, from the 25th of May to 25th March, 1738, at £200 per annum,	166 11 06
Serjeant, from the 8th June to 25th March, 1738, at £12 per month,	114 08 03
Six men at £8 per month each,	576 00 00
Provision for eight men, at £30 per annum each, £256; the additional allowance of £6 per man each, £48,	304 00 00—£1160 19 09

FORT FREDERICK.

The Commander,	150 00 00
Serjeant, at £12 per month,	144 00 00
Three men, at £8 per month,	288 00 00—£ 582 00 00
The Commander of Fort Johnson, for candles,	20 00 00

PAROCHIAL CHARGES.—Viz :

St. Philips, Charlestown, £55; twelve other parishes at £40 per annum, £480,	535 00 00
To His Honour the President, from the 22d November to 25th March, at the rate of £2500 per annum,	853 17 07

To the Executors of his late Honour the Lieutenant Governor, from the 25th March, 1737, to the 22d November,	1646 02 05	—£2500 00 00	A. D. 1738.
To Peregrine Fury, Esq. Agent in Great Britain, at £200, sterling, per annum,	1600 00 00		
To the Committee of Correspondence, to answer Mr. Fury's disbursements,	2000 00 00	—£3600 00 00	
To Peter Taylor, Esq, Commissary,		400 00 00	
To Childermas Croft, commissioner of the Indian trade,		100 00 00	
To Jesse Badenhop, Clerk of the Council,	300 00 00		
To Isaac Amyand, Clerk of the Assembly,	600 00 00		
To the Gunner of Charlestown,	250 00 00		
To Colonel Miles Brewton, for house rent for the Assembly,	300 00 00	—£1450 00 00	
To Abraham Croft, Messenger of the Assembly,	250 00 00		
To Alexander Cramahe, one year's service in bringing mes- sages from the upper house,	200 00 00		
To James Ballentine, Deputy Messenger of the Assembly,	150 00 00		
To Gabriel Manigault, Esq. for his services relating to the £35010 orders,	200 00 00		
To Peter Taylor, for the same,	200 00 00		
To the Patrol of John's Island,	71 11 03		
To the Treasurer, for the use of the Messenger of the Council,	200 00 00	—£1271 11 03	
To Charles Sheppard, for the rent of a court room, from the 25th March to 4th June last,	19 09 00		
To Peter Paget, for premium on 14 lb. of Silk,	16 00 00		
To Thomas Wiggins, expences for Creek Indians, £46 15, and for his trouble in coming down with them, £40,	86 15 00		
To Kennedy O'Brien, an account,	20 00 00		
To Thomas Corbet and William Powell, for repair of the Free School,	78 18 09		
To Samuel Morris, Esq. account allowed,	7 10 00		
To Henry Bedon, ditto,	20 09 4½	—£ 249 02 1½	
To John Beswicke, ditto,	24 00 00		
To John Fraser, ditto,	38 10 00		
To James Crokatt, ditto,	410 15 03	—£ 473 05 03	
To John Floyd, wages from 25th March to 25th Septem- ber, 1734	72 00 00		
To Lewis Lormier, per account,	94 08 07		
To John Dart, Esq. per account, £57 17 6, and for a book of Laws, £19	76 17 06		
To Abraham Croft, expences in the recess of the House,	5 17 06		
To Peter Taylor, an account allowed,	311 03 08		
To Messrs. Crokatt & Seaman, per account,	64 10 00		
To Messrs. Cattell & Austin,	34 12 09	—£ 659 10 00	
To Nicholas Haynes,	7 12 06		
To Mary Ellis,	11 12 09		
To Gabriel Manigault, Esq.	365 17 05		
To William Hamilton, for dispatching expresses, and for necessaries for the Council Chamber,	20 05 00		
To John Ouldfeld, Coroner, for two inquests,	20 00 00		
To James Michie, Coroner, for seven inquests,	70 00 00		
To Emanuel Smith and Steigers, an account,	74 03 09	—£ 569 11 05	
To William Bodington, for an account,	25 00 00		
To Robert Hall, Provost Marshal,	603 11 03		
To William Buchanan,	12 10 00		
To James Wright, Esq. Attorney General, for an account,	122 10 00		
To the Hon. Mr. Chief Justice, for an account,	20 00 00		
To the Clerk of the Crown,	25 07 06		
To Elias Horry, for five inquests, and mileage,	92 10 00	—£ 921 08 09	

A. D. 1738.	To Philip Massey, gunsmith,	335 09 4½
	To Abraham Croft, Notary Publick, on account,	12 13 00
	To Archibald Young,	31 19 09
	To Andrew Rutledge, Esq.	30 00 00
	To the Vestry and Churchwardens of St. James Santee, for repairing the parsonage house,	143 13 09
	To the commissioners for stamping £10,000, in small bills, their charges,	210 11 11
	To John Milner, gunsmith,	329 07 04—£1093 15 1½
	To Lewis Timothy, (on delivering 190 copies of the Laws, that being the number short of 300 copies, proposed to be subscribed for, and in full of his account, and the encouragement proposed to be given him by the publick,)	1656 00 00
	To William Trewin, Esq. an account,	35 00 00
	To the Hon. Charles Pinckney, Esq. ditto,	23 10 00
	To Benjamin Whitaker, Esq. ditto,	73 01 10½
	To Maurice Lewis, Esq. ditto,	24 00 00
	To John Parris, Esq. (per Mr. Floyd's certificate) for service at Port Royal Look-out, from the 25th of March to the 25th of June, 1736,	36 00 00
	To the Hon. Mr. Secretary Hammerton, per account,	374 03 8½
	To the Patrol of St. Bartholomew's Parish,	20 02 08—£2241 18 3½
	To Isaac Mazyck, John Dart and Peter Taylor, Esqs. commissioners for settling the late Treasurer's accounts,	900 00 00
	To sinking the fifth part of about £15,000 of the £35,010 orders, issued to this time,	3000 00 00
	To Messrs. Binford and Osmond, for an account,	73 02 06
	To Peter Taylor, per an account for Fort Frederick.	13 17 06—£3987 00 00
	To Webb & Jackson, commissioners for that part of the Port Royal High-road lying between Ashepoo and Pon-pon, to reimburse them the charges they were at in defending themselves in an action brought against them by Daniel McQuin,	120 00 00
	To William Freeman, per account,	10 00 00
	To the Hon. Charles Pinckney, Esq. per account,	10 00 00
	To Childermas Croft, an account allowed,	95 05 00
	To William Trewin, Esq. per account,	25 00 00—£ 260 05 00
	To Doctor Trott, ditto,	12 00 00
	To Jesse Badenhop, ditto,	621 13 7½
	To Andrew Rutledge, Esq. ditto,	12 00 00
	To Isaac Mazyck, Esq. per order to Shields,	4 00 00
	To Jordan Roche, Esq. per order to Preston Stampton,	16 00 00
	To John Champneys, Esq. per account,	5 00 00
	To the commissioners of the new Court House, for finishing the same,	253 12 5½
	To the commissioners for signing Ten Thousand Pounds in small bills,	700 00 00
	For beasts of Prey destroyed on the encouragement of the last law for that purpose,	100 00 00
	To Isaac Amyand, per an account,	1137 17 03—£2882 03 3½
	To the clerk of the committee of correspondence,	50 00 00
	To Messrs Crockatt & Seaman, for an order of Colonel Barnwell, payable to Daniel View, for service at Port Royal Look-out, from the 25th of March, 1736, to the 25th of June, 1736,	30 00 00
	To Fort Moore, for sundry stores, being the balance of £250, formerly raised, and the said balance applied to this tax,	75 00 00—£ 155 00 00
		£ 27,496 10 03

The further sum of Five Hundred Pounds for contingencies, for the use of Indians, if there shall be that surplus in the treasury when all the above sums are paid; which said sum for contingencies shall be paid by the publick Treasurer, on orders drawn for the same by his Honour the President, or the Governour for the time being, and a majority of his Majesty's Honourable Council, and not otherwise.

A. D. 1738.

C. PINCKNEY, *Speaker.**In the Council Chamber, the 25th day of March, 1738.**Assented to:* WILLIAM BULL.

AN ACT FOR THE BETTER PREVENTING THE SPREADING OF THE INFECTION OF THE SMALL POX IN CHARLESTOWN. No. 651.

WHEREAS, from the frequent advices received of the Spanish preparations at Havanna and St. Augustine, there is just cause to apprehend that this Province, as well as the Colony of Georgia, may be in a short time invaded; and whereas, the spreading of the infection of the small pox may prevent a sufficient body of forces from assembling together in defence of the Province; we therefore humbly pray your most sacred majesty that it may be enacted,

Preamble.

I. *And be it enacted*, by the Honourable William Bull, Esquire, President and Commander-in-chief, by and with the advice and consent of his Majesty's honourable Council and the Assembly of this Province, and by the authority of the same, That if any person or persons whatsoever, from and after the tenth day of October in this present year of our Lord one thousand seven hundred and thirty-eight, within the limits of Charlestown and within two miles of the limits of the said town, shall inoculate or ingraft, or cause to be inoculated or ingrafted the disease or distemper commonly called the small pox, in or upon him, her or themselves, or in or upon any other person or persons whatsoever, or shall wilfully or knowingly inflict or cause to be inflicted the said disease or distemper, or shall use any art, device or contrivance, or cause or procure to be used any art, device or contrivance whatsoever, or shall willingly and knowingly do any act, matter or thing by which or by reason whereof the said infection or disease of the small pox may be inflicted upon, given to or received by him, her or themselves, or any other person or persons whatsoever within the limits aforesaid, or by which or by reason whereof the infection of the said disease or distemper may be spread or communicated to any person or persons whatsoever within the limits aforesaid, then and in every such case, every person who shall offend in any of the premises for every such offence shall forfeit the sum of five hundred pounds current money, to be recovered and disposed of as is hereinafter directed.

No person having the Small Pox on him shall come into Charlestown, or within two miles thereof.

No person shall communicate or receive the small pox within those limits under penalty of 500l.

II. *And be it further enacted* by the authority aforesaid, That if any person or persons who shall receive the aforesaid distemper or disease by inoculation or ingraftment, or on whom the said distemper or disease shall be voluntarily inflicted by any of the means aforesaid, shall be in any house, outhouse or place within the limits aforesaid, at any time after the aforesaid tenth day of October, it shall and may be lawful for any justice of the peace, having due information upon oath, to command such persons as he shall think fit to his aid and assistance, and to place a guard at the house in which such infected persons shall be, to prevent any communication with the infected persons, other than such as the said justice shall think reasonable at the expence of the offenders, to be recovered as hereinafter

Persons so infected may be removed.

A. D. 1738.

Penalty for communicating the small pox.

is directed; and in case any person, after the said tenth day of October, who shall be infected with the said disease or distemper, shall come, be brought or sent within the limits aforesaid, every such person shall and may be removed out of the limits aforesaid by two justices, and such person and persons as they shall command in their aid and assistance, to the place of his or their usual residence; and every such person, and all and every person and persons who shall command, aid, procure or assist in bringing, sending or conveying such person within the limits aforesaid, shall forfeit severally and respectively, for every such offence, the sum of five hundred pounds current money, to be recovered as hereinafter is directed; and the sooner to clear the said town from the said infectious distemper, from and after the said tenth day of October next, it shall and may be lawful for any justices of the peace, and they are hereby required and directed to place a guard on all houses wherein any infected persons with the small pox are, to prevent its spreading, in like manner as the houses containing persons infected by inoculation, at the expence of the public of this Province.

Persons commanded to assist who shall refuse, to forfeit 100l.

III. *And be it further enacted* by the authority aforesaid, That in case any justice of the peace, or any person who he shall command to his assistance, shall wilfully neglect or refuse to do his duty, and put this Act in execution, every such justice and other person so offending, shall forfeit for each offence the sum of one hundred pounds current money; and in case any person or persons whatsoever shall wilfully resist, obstruct or oppose any such justice or other person commanded to his assistance, in putting this Act in execution, such person shall be bound by recognizance to the general sessions, with one or more suretys, and shall be fined any sum not exceeding twenty pounds.

Precautions against its spreading in the country.

IV. And to prevent as much as possible the infection of the small pox from spreading in the country, *Be it further enacted* by the authority aforesaid, That where any person or persons shall be infected with the said disease or distemper, in any house or plantation in any part of this Province without the limits of Charlestown, every master, owner or other person having the care or charge of such house or plantation, shall immediately upon discovery of such infection, fix or cause to be publicly affixed one advertisement signifying that the small pox is at such house or plantation, in the public road nearest to such house or plantation, and a white rag at the gate or entrance to such house or plantation, and another like advertisement at the church, chappel or other place of public worship in the parish where such house or plantation lyes; and in case such owner, master or other person having the care or charge of such house or plantation, shall neglect or refuse to fix or cause to be affixed, such advertisements and other tokens as are hereby directed, each person so neglecting or refusing shall forfeit for each offence the sum of fifty pounds current money.

Three justices with church-wardens may take precautions to prevent the spreading of the disease.

V. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for any two or three of his Majesty's justices of the peace, residing in Charlestown, taking to their assistance the church-wardens and constables of the said parish, and the said justices, church-wardens and constables are hereby authorized and required to take such prudent, necessary and reasonable methods as they shall in their discretion think fit, for hindering infected persons being brought within the limits aforesaid, and for preventing the further spreading of the infection, and for cleansing and clearing the said town from the said infection, the charge of which shall be borne by the publick, provided such charge does not exceed the sum of fifty pounds, current money; and provided that nothing herein contained, shall empower the said justices, church-wardens

or constables, to assess or levy any tax or charge on the inhabitants of the said town. A. D. 1738.

VI. And whereas, the further spreading of the infection of the small pox may be chiefly occasioned by persons causing their slaves to be inoculated ; and whereas, no adequate punishment can be inflicted on such slaves, so as to answer the design of this Act, *Be it therefore further enacted* by the authority aforesaid, That in case any slave shall receive the small pox by inoculation or ingraftment, or if the said distemper shall be voluntarily inflicted upon any slave by any of the ways or means herein before mentioned, after the tenth day of October next, within the limits aforesaid, or if any slave being infected with the said distemper or disease shall be sent, brought, carried or conveyed to any place within the limits aforesaid, from any part of this Province, contrary to the true intent and meaning of this Act, in every such case the owner or other person having the care or charge of every such slave, shall be adjudged, deemed and taken to have caused and procured such offence to be committed, and shall be subject and liable to the same penaltys and forfeitures as are imposed by this Act on such persons as shall cause the aforesaid disease or distemper to be inflicted on any person, by any of the ways or means herein before mentioned, and the proof of such offence shall not lay on the prosecutor or informer, unless such owner shall take a voluntary oath that such negro or other slave was inoculated or ingrafted without his knowledge, consent, privity or procurement.

Penalty on owners of slaves inoculating them within the prohibited limits.

VII. *And be it further enacted* by the authority aforesaid, That all and singular the penaltys and forfeitures imposed by this Act, shall be disposed of in manner following, (that is to say) one half to his Majesty to the use of the poor of the parish of St. Philips Charlestown, and the other half to him or them who shall sue for the same by action of debt, bill, plaint or information, wherein no essoign, protection, wager of law, *non vult*, *ulterius prosequi*, injunction or any more than one imparlance, shall be admitted or allowed, any law, usage or custom, to the contrary notwithstanding ; and all and every person and persons who shall be sued or prosecuted for doing any thing in execution of this Act, shall and may plead the general issue, and give the special matter in evidence ; and if any plaintiff or prosecutor shall become non suit, suffer a discontinuance, enter a *nolli prosequi*, or a judgment or verdict shall pass against him, the defendant shall recover his treble costs of suit.

Appropriation of the penalties.

General issue may be pleaded and this Act given in evidence.

VIII. *And be it further enacted* by the authority aforesaid, That this Act shall continue and be of force until the twenty-fifth day of September, in the year of our Lord one thousand seven hundred and thirty-nine, and from thence to the end of the next session of the General Assembly, and no longer.

C. PINCKNEY, *Speaker.*

In the Council Chamber, the 18th day of September, 1738.

Assented to : WILLIAM BULL.

AN ACT for the further Security and better Defence of this Province. No. 652.

(Passed September 18th, 1738. Original not to be found.)

A. D. 1739.

No. 653. AN Additional and Explanatory ACT to an Act for the better regulating the Militia of this Province.

(Passed April 5th, 1739. *See last volume.*)

No. 654. AN ACT for vesting the Ferry already established on the South side of Santee River, on the land of the Honourable James Kinloch, Esq. in the said James Kinloch, his Executors, Administrators and Assigns, for the term of seven years, and for establishing another Ferry on the North side of the same River opposite to the above Ferry, and for vesting the same in Abraham Micheau, his Executors, Administrators and Assigns, for the term of seven years.

(Passed April 3rd, 1739. *See last volume.*)

No. 655. AN ACT for Establishing a Ferry over Savannah River, at the Garrison of Fort Moore, in New Windsor, and for vesting the same in Capt. Daniel Pepper, for the term of three years.

(Passed April 11th, 1739. *See last volume.*)

No. 656. AN ACT for Establishing a Market in the Parish of St. Philips Charlestown, and for preventing ingrossing, forestalling, regrating and unjust exactions, in the said Town and Market.

(Passed April 11th, 1739. *See last volume.*)

No. 657. AN ACT to explain and amend an Act entitled an Act for incorporating the Vestry of the Parish of St. Thomas, in Berkley county, and to enable the said Vestry more effectually to put in execution the trusts reposed in them by the last will and testament of Richard Beresford, Esq. deceased, according to the charitable and pious intentions of the said testator, and to settle and adjust the several accounts of those persons who have acted as Vestry-men in and for the said Parish of St. Thomas, since the decease of the said Richard Beresford, and to give liberty to the said Vestry to take out of their capital stock and interest, a sum sufficient for building a School.

(Passed April 11th, 1739. The original too much torn to be copied.)

A. D. 1739.

No. 658.

AN ACT FOR PRESERVING PEACE, AND CONTINUING A GOOD CORRESPONDENCE WITH THE INDIANS, WHO ARE IN FRIENDSHIP WITH THE GOVERNMENT OF SOUTH CAROLINA, AND FOR REGULATING THE TRADE WITH THE SAID INDIANS.

WHEREAS, your Majesty's subjects, the inhabitants of this Province, have for many years past carried on a very considerable and beneficial trade with divers nations of Indians who inhabit and possess the countrys which surround your Majesty's dominions on this part of the main continent of North America, and with which Indians your Majesty's subjects in this Province, by your Majesty's direction and permission, have entered into several treaties of friendship and commerce: And whereas, the peace and safety of your Majesty's subjects who live in this Province, in a great measure depend on preserving a good correspondence with the said Indians, and it having been found by long experience, that nothing can so effectually secure the friendship of the Indians as furnishing them with a constant supply of woolen and other manufactures which are the produce of your Majesty's dominions: And as by such a commerce the Indians are by their interest more firmly engaged to your Majesty's subjects, so your Majesty's subjects are enabled to make large and valuable returns to Great Britain in exchange for the British commoditys with which the Indians are supplied; we therefore most humbly pray your sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted*, by the Honourable William Bull, Esq. Lieutenant Governour and Commander-in-chief, by and with the advice and consent of your Majesty's Honourable Council and the Assembly of this Province, and by the authority of the same, That from and after the twenty-fifth day of March, in the year of our Lord one thousand seven hundred and thirty-nine, if any persons whatsoever, residing or inhabiting in this Province, other than such as shall duly obtain licences in the manner hereinafter mentioned and directed, shall directly or indirectly visit, frequent, trade to, traffick, deal or barter with any Indian or Indians on the main continent of North America, except the following Indians, to wit: Ittewans, Cussoes, Winyaws, Cape Fears, Kaywaws, St. Helenas, Pedees and Edistoos, or any other Indians incorporated with them, all and every such offender or offenders shall, for every such offence, forfeit and pay the sum of two hundred pounds proclamation money, to be sued for, recovered and disposed of as is hereinafter directed, and all and singular the goods, merchandizes, slaves, furs, wax and skins, either carried to, bartered or sold from any of the said Indians, and shall and may be seized upon by warrant under the hand and seal of the commissioner by this Act appointed.

Penalty on trading with Indians without license.

Indians who may be traded with.

II. *And be it further enacted* by the authority aforesaid, That no person or persons whatsoever, lawfully licensed to trade as is by this Act directed, shall presume to trade, traffick or barter with any Indian or Indians (except as before excepted) within the bounds hereinafter limited, on the penalty of forfeiting one hundred pounds proclamation money, (that is to say) no person shall trade, traffick or barter with any Indian or Indians, at any place on the north side of the Savanna river, from the north side of the said river to such part of the said river as lyes twenty miles above the garrison of Fort Moore, nor at any place which lyes on either side of Santee river, from the mouth of the said river to such part

Penalty on trading with other Indians.

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of the said river as lyes twenty miles above the place where the Congaree garrison was formerly settled, nor at any place within twenty miles of the townships of New Windsor, Orangeburgh, Fredericksburgh or Williamsburgh, or either of them, nor within twenty miles above the limits of the tract of land appropriated for the Welch, upon Pedee river, nor at any place nearer Charlestown than the said townships, or either of them, unless with the Chickesaws and Eucheas, now settled upon Savannah river, and other Indians who shall be incorporated with them, and actually reside within the limits aforesaid; which Indians may trade at any store or stores which now are or hereafter may be settled within two miles of the garrison of Fort Moore.

Commissioner to take an oath.

III. *And be it further enacted* by the authority aforesaid, That the commissioner of the Indian trade, and every commissioner who shall be hereafter appointed, shall, before he enters into the execution of his office, take an oath before the Governour or Commander-in-chief of this Province, for the due and faithful execution of his office, and the due observation of this Act.

Books of license and proceedings to be kept.

IV. *And be it further enacted* by the authority aforesaid, That the commissioner to be appointed by this Act, and the commissioner of the Indian affairs for the time being, shall keep a fair book, in which shall be entered the proceedings of the said commissioner, and in another fair book shall enter and carefully keep all bonds which shall from time to time be entered into by such persons as shall be licenced to trade with the Indians; and every person who shall take out a licence to trade with the Indians, and shall enter into bond and receive instructions, shall pay to the said commissioner for Indian affairs for the time being, the sum of sixteen shillings proclamation money, and no more, in full for licence money, and all fees, perquisites and demands whatsoever, due to the said commissioner, or any other officer whatsoever, on account of such bond, licence and instructions; any law, usage or custom to the contrary in any wise notwithstanding.

Power of the commissioner and his agent to settle disputes.

V. *And be it further enacted* by the authority aforesaid, That the commissioner of Indian affairs for the time being, or any agent or agents who shall or may at any time hereafter be sent amongst the Indians by the authority of this Government, shall have full power and authority, and he and they is and are hereby authorized and required, to hear and determine all causes and complaints between any Indian or Indians and any person or persons trading amongst them, and upon complaint made, to receive and take the evidence of any Indian or Indians against any person trading or who shall trade amongst them; and if the said commissioner or agent, from plain and evident circumstances, shall judge the complaint of such Indian or Indians to be true, the said commissioner or agent is hereby authorized and empowered to adjudge and award to the Indian or Indians his full damages; and the said commissioner or agent shall, if he thinks fit, discharge and revoke the licence of the trader against whom such complaint shall be made. Provided nevertheless, that nothing in this Act shall extend or be construed to extend to empower any commissioner or agent to award damages or give judgment for any sum or matter exceeding the value of five pounds proclamation money, or to inflict any corporal punishment on any person whatsoever.

Warrants to be directed to an Indian trader.

VI. *And be it further enacted* by the authority aforesaid, That the said commissioner, or such agent as aforesaid, shall issue his warrant to any Indian trader or traders living or residing nearest to the town or place where the order or sentence of the said commissioner or agent is to be executed, which warrant shall command, enjoin and require due execution

to be made of such order or sentence as aforesaid; and every Indian trader to whom such warrant shall be directed is hereby authorized and required to execute such warrant, and to cause due obedience to be paid to the same; and every such Indian trader, who shall execute such warrant, shall certify the execution thereof, or what he shall do thereupon, under his hand, to the commissioner or agent, or such of them respectively as shall issue such warrant; and in case any such Indian trader or traders shall refuse to give due obedience to such order or sentence of the said commissioner or agent, or either of them, after the warrant herein before directed to be issued shall be shewn unto such Indian trader or traders, every such Indian trader shall forfeit the sum of ten pounds proclamation money for every such refusal or disobedience; and in case any Indian trader to whom such warrant as aforesaid shall be directed shall neglect or refuse to serve or execute the said warrant, every such Indian trader, for every such neglect or refusal, shall forfeit and pay the sum of ten pounds proclamation money; which said fines and forfeitures shall be sued for, recovered, applied and disposed in manner herein after directed.

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VII. *And be it further enacted* by the authority aforesaid, That every Indian trader who shall execute any such warrant from the aforesaid commissioner or agent, shall be allowed the like fees as are allowed to the constables in this Province for executing warrants, and shall also be allowed the like fees for mileage, which shall be computed from the place where the Indian trader who shall execute such warrant usually resides among the Indians to the place where such warrant shall be executed.

Fees allowed.

VIII. *And be it further enacted* by the authority aforesaid, That if any person or persons in the Indian countries shall disobey any lawful order or command of the Lieutenant Governour or Commander-in-chief of this Province for the time being, or of the commissioner of Indian affairs for the time being, or of any agent or agents, who by the authority of this Government shall hereafter be sent into the Indian countries, and proof being made upon oath that such order or command has been duly served on such person or persons, then and in such case it shall and may be lawful for the Governour or Commander-in-chief of this Province for the time being, or any such commissioner or agent as aforesaid, or either of them, to direct and require the commanding officer for the time being, at Fort Moore, to draw out of the said garrison an officer and any number of men, not exceeding four men, who are hereby authorized and required to go into any of the Indian countries and to apprehend and take any person or persons who shall have disobeyed any such orders or commands, or who have been guilty of any other crimes, misdemeanours or offences whatsoever; and the person or persons so apprehended or taken shall be brought down or conveyed safely to the common goal in Charlestown, in order to be proceeded against according to law; and the said officer, who shall be sent as aforesaid, is hereby fully authorized and empowered to command all persons in the Indian countries, licensed to trade from this Province, to aid and assist him in apprehending, taking or conveying to goal any offender or offenders who shall be apprehended in the Indian countries; and every person who shall be so licensed and shall neglect or refuse to aid and assist the said officer shall, on conviction, forfeit the penalty of his bond, and be rendered for ever incapable of trading with or being employed amongst the Indians, in any quality or capacity whatsoever.

Proceedings and penalty on disobedience.

IX. *And be it further enacted* by the authority aforesaid, That all treasons, murders, felonies, and other crimes, offences or misdemeanours, done, perpetrated or committed, or hereafter to be done, perpetrated or

Proceedings in case of felonies.

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committed by any person or persons (who shall be brought or surrender themselves to receive trial in this Province) in any country possessed and inhabited by the Indians, on the main continent of North America, or in any of the uninhabited parts or places on the said main continent, shall from henceforth be inquired of, heard and determined before the King's justices in the court of general sessions of the peace, oyer and terminer, assize and general goal delivery, established and appointed to be holden for this Province, by good and lawful men of this Province, in like manner and form, to all intents and purposes, and shall be subject to the same pains and penalties, as if such treasons, murders, felonies or other crimes, offences or misdemeanours, had been done, perpetrated and committed in this Province.

Commissioners
and agents may
employ inter-
preters and
messengers.

X. *And be it further enacted* by the authority aforesaid, That the commissioner of the Indian affairs for the time being, and such agent or agents which is now or shall at any time hereafter be appointed as aforesaid, or any of them, shall have full power and authority to agree with and employ interpreters, and to administer an oath to such interpreters, that they will truly and faithfully interpret and explain according to the best of their skill and knowledge the talks, conferences and discourses, which shall be had and made between the said commissioner or agent or agents, and any of the Indians aforesaid, as the case shall require, to the end that the Indian trade may be the better ordered and settled, and that the complaints of the Indians may be fully heard and understood, and their grievances (if any shall happen) may be effectually redressed; and the said commissioners or agents are also hereby impowered to hire messengers and horses upon emergencies, and as occasion shall require, to send express to the Governour or Commander-in-Chief of this Province, or to give notice to the inhabitants in case of danger; the charge of which interpreters and messengers shall be paid out of the public treasury of this Province; and the said commissioner or agents or any of them, shall, when occasion shall require, draw orders on the public treasurer for the time being to defray such charges, and the public treasurer for the time being is hereby authorized and required to pay and discharge the same.

Commissioners
and agents not
to trade with
the Indians.

XI. *And be it further enacted* by the authority aforesaid, That the commissioner of Indian affairs or any agent or agents who may at any time hereafter be appointed as aforesaid to go amongst the Indians, shall not directly or indirectly trade, deal, traffick or barter to or with any Indian or Indians whatsoever, or sell, or barter, or procure to be sold or bartered any Indian trading goods to any person whatsoever, or receive any present, gift, fee or reward whatsoever, (provisions for their subsistence while among the Indians excepted,) from any Indian or Indians, or any person or persons trading or dealing with any Indian or Indians, during the time he or they shall continue in any of the offices aforesaid, nor at any time within the term of two years after he or they shall be out of any of the said employments, without leave and licence first had and obtained from the General Assembly of this Province, signified by a resolution of both Houses of Assembly, and concurred to by the Governour and Commander-in-chief for the time being, on pain of forfeiting five hundred pounds proclamation money and being rendered incapable of serving in any office or employment of profit or trust within this Province; provided nevertheless, that it shall and may be lawful for the said commissioner or agents or any of them, to receive presents from the Indians in token of their friendship and alliance with this Government, all which presents or the value thereof, every such commissioner and agent as aforesaid, shall account for, pay or deliver to the public treasurer for the time being, to be disposed of

by the direction of the General Assembly, for such public uses as they shall think fit; and in case any such commissioner or agent as aforesaid shall neglect, delay or refuse to account for, pay and deliver such present or presents, or the value thereof so received or to be received from the Indians as aforesaid, for the space of six months next after the receipt of the same, every such commissioner or agent shall forfeit double the value of the present or presents so received.

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Or to receive presents.

XII. *And be it further enacted* by the authority aforesaid, That the commissioner of Indian affairs shall take especial care that all persons who shall be licenced to trade among the Indians or shall be employed amongst them, shall be persons of honest repute and sober life and conversation; and that every person and persons who shall trade amongst the Indians, (except such as are in this Act before excepted) shall first publish his or their names in the office of the commissioner, at least ten days before any licence shall be granted, and after the expiration of the said ten days, if no just cause appear or shall be made appear to the said commissioner to the contrary, the said commissioner is hereby authorized and required to grant a licence to each person so applying and being qualified as aforesaid, to trade with any Indians in peace and friendship with this Government, every such person first entering into bond with one or more sufficient surety or sureties to his Majesty, his heirs and successors, in the sum or penalty of two hundred pounds proclamation money, conditioned that every person so to be licenced shall demean himself well towards the Indians, and that he shall observe and obey all such orders, rules and instructions which shall from time to time be given by the said commissioner of Indian affairs for the time being, under his hand and seal of office.

Persons licenced or employed, to be of good character.

XIII. *And be it further enacted* by the authority aforesaid, That if any person or persons who shall be licenced to trade with the Indians according to the directions of this Act shall trust, lend or give credit to any one Indian exceeding the value of six buck-skins, every such person shall forfeit the debt due from the Indian so trusted or credited, and shall be also deemed to have forfeited the penalty of his bond, to be recovered, disposed and applied as is hereinafter directed; and in case any person or persons so licenced as aforesaid, shall presume to trade, deal, traffick or barter with any Indian or Indians in enmity with his Majesty's subjects, or shall deal, traffick or barter with the subjects of any foreign prince, all and every person and persons so offending shall forfeit the penalty of his or their bond or bonds, and shall be for ever rendered incapable of having a licence to trade with the Indians.

Limitation of credit to be given to Indians.

XIV. *And be it further enacted* by the authority aforesaid, That all and every person and persons whatsoever, who shall at any time hereafter trade, deal, traffick or barter with any Indian or Indians in friendship with this Government (except the Chickesaws and Eucheas and other Indians incorporated with them as aforesaid,) shall come to Charlestown at least once in every year in order to take out a new licence in his own proper person, that is to say, in the months of March, April, May or June; and no licence hereafter to be granted shall continue of force any longer than one year, and shall determine and expire in one of the months last above mentioned, except licences to trade in the Chickesaw and Choctaw nations, which shall continue and be in force for the space of eighteen months, and no longer; and no licence to trade with Indians shall be granted to any person or persons whatsoever, unless the person or persons taking out such licence shall be actually present in Charlestown at the time of taking out such licence, and shall then and there give such security as by this Act is directed.

Licences to be taken out once a year.

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Licensed traders to give in the names of persons they employ.

XV. *And be it further enacted* by the authority aforesaid, That every person who shall hereafter obtain a licence to trade with Indians, shall give to the commissioner for the time being an account of the name of every person whom he shall employ or who shall go with him into the Indian countrys, the names of which persons shall be inserted in every licence; and it shall be made part of the condition of the bond entered into by every person who shall obtain such licence as aforesaid, that every person whose name shall be inserted in such licence as aforesaid, shall demean himself well and shall be of good behaviour towards the Indians, and shall in no wise whatsoever trade, traffick or barter with any Indian or Indians; and it shall and may be lawful for every person who shall obtain such licence as aforesaid, at the time that he shall come to Charlestown to renew his licence according to the direction of this Act, to leave in the Indian country to take care of his store-house and goods any one of the persons whose name shall be so as aforesaid inserted in his licence, and who may be empowered by his principal to trade with the goods so left in his custody during his absence, any thing in this Act to the contrary notwithstanding; and in case any action which requires special bail shall be brought against any person employed so as aforesaid amongst the Indians, or any complaint shall be made upon oath before any lawful magistrate of any crime or misdemeanour committed by such person, and process shall be issued thereupon against him, it shall and may be lawful for the aforesaid commissioner to give an order under his hand and seal to the trader in whose service such person is employed, or in whose licence his name is inserted, commanding such trader to send down the person against whom such process is issued to the common goal in Charlestown, there to be dealt with according to law; and in case the trader so licensed shall neglect or refuse so to do, he shall forfeit his licence; and it shall also be part of the condition of the bond hereinbefore directed to be entered into, that every such trader shall send or cause to be sent to the common goal of Charlestown every person against whom process shall issue as aforesaid; and the keeper of the goal in Charlestown for the time being, is hereby commanded to receive and keep every person so sent as aforesaid in safe custody, until he shall be thence delivered by due course of law.

Persons employed not to be discharged in the Indian country.

XVI. *And be it further enacted* by the authority aforesaid, That it shall not be lawful for any Indian trader to discharge any of the persons whose names shall be inserted in his licence in the Indian country; and if any person whose name is so inserted as aforesaid, shall leave or depart from the service of his employer, and shall be afterwards hired, employed or entertained by any other licensed trader in the Indian country, before the person so hired, employed or entertained shall return to Charlestown, every licensed trader so employing or entertaining such person as aforesaid, shall forfeit the sum of twenty pounds proclamation money, and shall be further liable to answer all damages sustained by the party injured on account of the loss of the service of such person as aforesaid.

Traders transgressing the bounds of their licence.

XVII. *And be it further enacted* by the authority aforesaid, That any person desiring a licence to trade to any nation of Indians in friendship with this Government, shall declare what nation he is going to trade with, and the town or towns in such nation in which he intends to trade shall be inserted in his licence, (Chickesaws, Catawbass and Choctaws only excepted, where it shall be sufficient to take out a licence for the nation in general,) and there shall be a condition in his bond not to transgress the bounds limited by such licence, under the penalty of forfeiting the same; and that

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all such traders taking out licence to trade with the northward Indians, shall be confined to trade with the Catawbias and other small tribes of the northward Indians, and shall not, by themselves or servants or other person employed by them, go from thence to the Cherokees to trade with them, directly or indirectly; and the traders taking out licence to trade with the Cherokees shall not go from thence to trade with any other nation of Indians whatsoever; and those taking out licence to trade with the Creeks shall first declare whether they will trade with the upper or lower Creeks, and shall then be confined to trade within a town in the same, and no where else, which shall be inserted in the condition of their bonds; and every trader going to the Creeks, Chickesaws or Choctaw nations to trade, shall be obliged to pass, both going and coming, by the garrison of Fort Moore.

XVIII. *And be it further enacted* by the authority aforesaid, That no Indian or Indians (except such as are before excepted) shall presume to come within the limits aforesaid, except the Governour or Commander-in-chief for the time being, or the said commissioner or agent or agents, shall think fit to order the same; and in case any trader shall bring down any Indians or burtheners to the out settlements, such trader shall be obliged to maintain them at his own proper costs until they return to their respective nations and towns, and all such traders shall make good all damages done to any of the inhabitants by such Indians whilst in the settlement, by killing of cattle or otherwise; and no trader to the Cherokees or Catawbias shall presume to bring any Indians or burtheners nearer into the settlement than the place where the old Congree garrison on Santee river was settled, upon pain of forfeiting the sum of one hundred pounds proclamation money.

Indians not to come out of the prescribed bounds.

XIX. *And be it further enacted* by the authority aforesaid, That if any Indian or Indians, living or residing within the settlement, shall refuse or neglect to make satisfaction in a reasonable time after application made to a magistrate to any inhabitant of this Province, for any damage or injury done him by such Indian or Indians, then and in such case it shall and may be lawful for any justice of the peace in this Province, upon due proof made of such damage or injury before him, to order corporal punishment to be inflicted by a constable on such Indian or Indians, ordering the punishment according to the nature of the offence, such punishment not extending to the loss of life or limb.

Process against Indians for damage.

XX. *And be it further enacted* by the authority aforesaid, That if any person or persons shall, by any ways or means whatsoever, employ any free negro, or any negro or other slave, or shall sell or offer to sale any negro or other slave (excepting Indian slaves) in the Indian country, such person or persons so offending shall forfeit the sum of one hundred pounds proclamation money for every such free negro or slave so employed, sold or offered to be sold.

Negroes not to be employed.

XXI. *And be it further enacted* by the authority aforesaid, That no trader whatsoever shall presume to enter into any town to trade where another trader by licence doth reside and trade, unless in large towns where the commissioner shall think sufficient to maintain two or more; and the commissioner is hereby empowered to allot each trader two or more towns, in case one shall be too small for them to trade in, so that the several towns in the Indian nations be equally divided amongst the several traders, (except the Chickesaw, Catawbaw and Choctaw nations,) and every trader, going to any of the Indian nations to trade, shall have annexed to his licence instructions agreeable to this law, from under the hand and seal of the office of the commissioner.

Traders not to interfere with each other.

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resents to
Indians.

XXII. *And be it further enacted* by the authority aforesaid, That no present or presents whatsoever from this Government, shall be made by the Lieutenant Governour or Commander-in-chief for the time being, to any Indian or Indians, but such as from time to time shall be ordered by the General Assembly of this Province, except when the General Assembly are not sitting, in which case such present or presents shall not in the whole in one year exceed the value of one hundred pounds proclamation money.

Commissioner
to proceed as
directed by
this Act.Departing this
Province.

XXIII. *And be it further enacted* by the authority aforesaid, That the commissioner shall act and do in all cases relating to the Indian trade as this law directs and is most conducive to the good of the Province, and shall also observe such directions as from time to time he shall receive from the Lieutenant Governour and Council, or General Assembly of this Province, and not otherwise, unless in cases of an extraordinary nature, wherein the immediate safety of this Province is concerned, and not directed and provided in this Act; and in case the said commissioner should happen to dye, depart this Province, or refuse to act, the Lieutenant Governour and Commander-in-chief for the time being, with the advice of his Majesty's Council, are hereby empowered to appoint another commissioner to transact the affairs relating to the Indian trade, until the next meeting of the General Assembly after such death, departure from this Province, or refusal to act as aforesaid, and no longer.

Condition of
the bond.

XXIV. *And be it further enacted* by the authority aforesaid, That the several matters and things which are prohibited to be done by this Act, on penalty of forfeiting the bond entered into by the persons who shall obtain licences, according to the directions of this Act, shall be inserted in and made part of the condition of every such bond.

Suits for penal-
ties in any
court of record.

XXV. *And be it further enacted* by the authority aforesaid, That all the forfeitures and penaltys inflicted and imposed by this Act, not particularly disposed of, nor the method of recovery directed, shall and may be sued for and recovered in any court of record in this Province, by action of debt, bill, plaint or information, one half of which forfeitures and penaltys shall be to his Majesty, his heirs and successors, to be disposed of by the General Assembly of this Province, and the other half to him or them who shall sue for the same, wherein no essoign, privilege, protection, wager of law or any more than one imparlance shall be admitted or allowed.

XXVI. And for the more effectual prosecution of any person or persons who shall offend against this Act, *Be it further enacted* by the authority aforesaid, That in every action or actions which shall be brought for the recovery of the penaltys and forfeitures inflicted and imposed by this Act, (which action or actions are hereby directed to be brought within two years after the offence committed, and at no time after) the defendant or defendants shall be held to special bail, and in case the informer or prosecutor shall obtain judgment, he shall recover his full costs of suit, any law, usage or custom to the contrary thereof in any wise notwithstanding.

General issue
may be pleaded
and this Act
given in
evidence.

XXVII. *And be it further enacted* by the authority aforesaid, That in case any person shall be molested, sued, prosecuted or impleaded for any matter or thing done by virtue of, or in execution of this Act, it shall and may be lawful for every such person to plead the general issue, and give the special matter and this Act in evidence; and in case the plaintiff or prosecutor shall become non suit, suffer a discontinuance, or verdict or judgment shall pass against him, the defendant shall have judgment for his costs of suit, for the recovery whereof he shall have the like remedy as where costs are given by law.

XXVIII. *And be it further enacted* by the authority aforesaid, That Childermas Croft, gentleman, be and is hereby nominated and appointed commissioner for putting in execution the several matters contained in this Act. A. D. 1739.

XXIX. *And be it further enacted* by the authority aforesaid, That this Act shall be deemed a publick Act, and all Courts in this Province are to take notice of the same, without special pleading.

XXX. *And be it further enacted* by the authority aforesaid, That this Act and every matter and thing herein contained, shall be and continue in force for the space of three years, and from thence to the end of the next session of the General Assembly, and no longer. To continue three years.

C. PINCKNEY, *Speaker.*

In the Council Chamber, the 11th day of April, 1739.

Assented to: WM. BULL.

AN ACT for the better security of the Inhabitants of this Province against the insurrections and other wicked attempts of Negroes and other slaves. No. 659.

(Passed April 11th, 1739. The original not to be found.)

AN ACT TO RESTRAIN AND PREVENT THE PURCHASING LANDS FROM INDIANS. No. 660.

FORASMUCH as the practice of purchasing lands from Indians may prove of very dangerous consequence to the peace and safety of this Province, such purchases being generally obtained from Indians by unfair representations, fraud and circumvention, or by making them gifts or presents of little value, by which practices, great resentments and animosities have been created amongst the Indians towards the inhabitants of this Province: And forasmuch as such practices tend to the manifest prejudice of his Majesty's just right and title to the soil of this Province, vested in his Majesty by the surrender of the late Lords Proprietors, made in pursuance of an Act of Parliament of Great Britain, and will also tend to the diminution of his Majesty's quit-rents,

I. *Be it therefore enacted*, That no person or persons whatever shall buy, bargain or treat for, or by any way or means whatever, procure, hold, obtain, or get any lands, tenements or hereditaments whatever, or any right or title, or any pretended right, interest or title of or from any Indian or Indians whatever, in or to any lands, tenements or hereditaments within this Province, without a grant or licence for that purpose from his Majesty, his heirs, or successors, or from the Governour and Commander-in-chief of this Province for the time being, with the advice and consent of his Majesty's honourable Council, upon pain that he, she or they who shall so bargain, buy, or by any way or means procure, obtain or get, or have any lands, tenements or hereditaments, or any right or title, or pretended right, interest or title, or shall take a promise, grant or covenant to have any lands, tenements or hereditaments, or any right or title, or pretended right or title of

Preamble.

No person shall buy or bargain for lands with Indians.

Forfeiture and appropriation of the same.

A. D. 1739. or from any Indian or Indians, of, in or to any lands, tenements or hereditaments within this Province, shall forfeit double the value of such lands, tenements or hereditaments so bargained, promised, covenanted, granted, procured, treated for, obtained or got, contrary to the form or intent of this Act; one half of which forfeiture shall be to the use of his Majesty, his heirs and successors, for the support of this government, and the other half to the person or persons who shall inform and sue for the same, to be recovered in any court of record in this Province, by action of debt, bill, plaint, or information, wherein no essoign, privilege, protection, or wager of law, *non vult ulterius prosequi*, injunction, shall be admitted or allowed, nor any more than one imparlance.

II. All gifts, grants, bargains, contracts, sales, conveyances, covenants, dispositions and alienations whatsoever, of any lands, tenements, or hereditaments whatsoever, within this Province, from, by or under any Indian or Indians, made or to be made to any person or persons whatever, contrary to the form and meaning of this Act, shall be null and void and of no effect. Provided now and at all times, that this Act shall not be construed nor intended to impeach any purchase made or title derived from any Indians by the late Lords Proprietors of this Province, or their deputies, before the surrender of the soil of this Province to his Majesty, nor to impeach any purchase made or title derived from any Indians by any Governor of this Province, or by any other person having authority for that purpose from his Majesty since the said surrender of the soil of this Province to his Majesty; and provided also, that the purchasers of any lands from Indians for any valuable consideration actually and bona fide paid since the said surrender of the Lords Proprietors to his Majesty, shall be deemed creditors for such consideration, and shall on proof thereof be repaid the same by the public of this Province.

III. This Act and every part thereof shall be deemed and taken to be a public Act, in all courts of record in this Province; of which all the judges and justices are to take notice without specially pleading the same.

C. PINCKNEY, *Speaker*.

In the Council Chamber, the 18th day of December, 1739.

Assented to: WILLIAM BULL.

(The original not to be found. The present Act is copied from Grimke's Laws, No. 687, page 160.)

No. 661. *An Additional and Explanatory Act* to an Act for the Entry of Vessels.
(Passed the 18th day of December, 1739. The original too much torn to be copied.)

No. 662. AN ACT for establishing a Ferry over the River Savannah, near Palla-chucellas, on the land of the Honourable General James Ogelthorpe, and for vesting the same in the said Gen. James Ogelthorpe, his heirs and assigns, for the space of 14 years.

(Passed Dec. 18, 1739. *See last volume.*)

A. D. 1739.

No. 663.

AN ACT FOR GRANTING TO HIS MAJESTY THE SUM OF THIRTY-FIVE THOUSAND EIGHT HUNDRED AND THIRTY-THREE POUNDS SIX SHILLINGS AND ELEVEN PENCE THREE FARTHING, FOR DEFRAYING THE CHARGES OF THE GOVERNMENT FOR ONE YEAR, COMMENCING THE TWENTY-FIFTH DAY OF MARCH, ONE THOUSAND SEVEN HUNDRED AND THIRTY-EIGHT, INCLUSIVE, AND ENDING THE TWENTY-FIFTH DAY OF MARCH, IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND THIRTY NINE, EXCLUSIVE.—AND FOR TAXING TRANSIENT PERSONS TOWARDS SUPPORTING AND MAINTAINING THE WATCH AND GUARD IN CHARLESTOWN.

WHEREAS, it appears, upon an estimate made of the charges of the Government, that the sum of thirty-five thousand eight hundred and thirty-three pounds six shillings and eleven pence three farthings, in the present currency, will be wanting for that purpose, for the defraying whereof, we, his Majesty's most dutiful and loyal subjects, the Commons House of Assembly, have cheerfully given and granted, and do hereby give and grant unto his most sacred Majesty, the said sum of thirty-five thousand eight hundred and thirty-three pounds six shillings and eleven pence three farthings, to be levied, paid and applied in the manner and to the uses, intents and purposes in this Act hereafter specified, mentioned, limited and appointed, and to and for no other use, intent or purpose whatsoever; we therefore pray your most sacred Majesty that it may be enacted,

I. *And be it enacted*, by the Honourable William Bull, Esq., Lieutenant Governour, and Commander-in-chief in and over the Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council and the Commons House of Assembly of this Province, and by the authority of the same, That a tax or sum of thirty-five thousand eight hundred and thirty-three pounds six shillings and eleven pence three farthings, current money of this Province, be imposed and levied on the several inhabitants and owners of lands and slaves, stock and cash, within the same; that is to say, the sum of five thousand nine hundred and seventy-two pounds four shillings and six pence, part thereof, on the inhabitants of St. Philip's, Charlestown, and the sum of twenty-nine thousand eight hundred and sixty-one pounds two shillings and five pence three farthings, residue thereof, on the several inhabitants of this Province without the said parish; which said sum of thirty-five thousand eight hundred and thirty-three pounds six shillings and eleven pence three farthings, shall be applied to the use of his Majesty, for the support of this Government, in manner as is hereinafter mentioned.

II. And for the more certain and effectual levying thereof, *It is hereby enacted and declared*, That the sum of ten shillings current money, per head, shall be levied on all negroes and other slaves whatsoever, within the limits of this Province; and the sum of ten shillings per hundred acres, on all lands throughout the said Province, (town lots without the limits of Charlestown plat excepted.) Provided always, that nothing herein contained shall be extended to oblige those new settlers in any of the townships laid out in this Province, or in the Welch tract upon Pedee, to the payment of any part of the said tax for their lands granted to them as a bounty from his Majesty, who shall make oath before the collector of

Preamble.

Distribution of
the amount of
taxation.Slaves, lands
and lots taxed.New settlers
exempted.

A. D. 1733.

Exemption of
property appro-
priated to
churches and
free schools.

Account of
property to be
rendered to the
enquirers, &c.

Attorneys and
trustees to
make returns.

Power of the
collectors and
enquirers in
case of lands
owned by
non-residents.

the tax in the respective parish where such person resides, that such new settler settled himself in such towship upon the encouragement given by the publick, and that he hath received the bounty of the publick ; but such persons shall pay tax for their slaves, as other inhabitants do; any thing herein contained to the contrary in any wise notwithstanding.

III. *And be it further enacted* by the authority aforesaid, That all persons whatsoever, who are possessed of any lands or slaves in this Province, (lands whereon any churches or other buildings for divine worship or for free schools are erected or built, and lands appurtenant to such churches or buildings and free schools, and all slaves appurtenant to or going with such churches, buildings or lands, always excepted) either in their own right or in the right of any other person, or are liable to pay any tax by virtue of this Act, shall on or before the second Tuesday in February next ensuing, render a particular account thereof in writing, (and in what parish the same doth lye, to the best of his knowledge) to the enquirers and collectors of the several parishes and places respectively where the person who is to render such account does live and reside, at such times and places as the said enquirers and collectors or any two of them shall direct or appoint for the doing thereof, so that the same be done on or before the said second Tuesday in February next ; and the person so rendering his account shall give in to the said enquirers and collectors the number of his slaves and the quantity of land that he is possessed of in this Province.

IV. And whereas, there are divers tracts of land in this Province held, owned or claimed by persons not resident here, who pay no tax or other charge towards the support of the Government of this Province, *Be it therefore enacted* by the authority aforesaid, That all attorneys or trustees of or for any person or persons living or residing without the limits of this Province, shall make due and true return to the respective inquirers of such parish or district where such attorney or trustee lives or resides, of all lands belonging to such absent persons for whom they are attorneys or trustees ; and that such attorneys and trustees shall be subject and liable to pay the tax to become due by virtue of this Act, for such lands, out of his and their own proper estate, notwithstanding such attorney or trustee may renounce or disclaim acting as such before the said tax is paid or levied ; unless such attorney shall make oath before the said collector respectively, that he hath bona fide renounced his power and attorneyship, before the payment of the said tax becomes due, without having done it only to avoid the payment of the said tax ; provided always, that if such attorney shall, within one year next after such oath made, again become attorney or trustee for such absent person, or act as such, every such attorney shall be liable to pay such tax, as is herein before directed, any thing herein to the contrary notwithstanding ; and for levying whereof the same remedies shall be and are hereby given as for levying the tax to become due by virtue of this Act, on the proper estate of such attorney or trustee ; or the collectors and enquirers of the several parishes respectively where any lands lie which are held or owned by any person or persons not resident in this Province, shall be and they are hereby authorized and impowered, directed and required, either to sell and dispose of any timber, lightwood or other wood thereon standing, growing or being, to the amount or value of the tax such lands are lyable to pay, by virtue of this Act, or to let to farm all or any part or parcel of such lands, without impeachment of waste, to any person or persons whatsoever, for any term or time not exceeding four years, till the rents arising thereby shall be sufficient to pay the said tax, at the election of such collectors and inquirers, unless any person shall tender the tax money for such lands. And all and every sale of such timber, lightwood, or other

wood, and leases of such lands as aforesaid, shall be and they are hereby declared good and valid to all intents and purposes whatsoever; any law, statute, usage or custom to the contrary thereof in any-wise notwithstanding. A. D. 1739.

V. *And be it further enacted* by the authority aforesaid, That in case any tract or tracts of land shall be found by the inquirers, assessors or collectors, to belong to any person or persons living or residing out of the limits of this Province, and who have no attorney or attorneys, trustee or trustees, legally constituted, in this Province, that then and in such case the inquirers, assessors or collectors shall be and they are hereby authorized and required to charge the said lands rateably and proportionably, according to the quantity of acres, and as if the same were in the actual possession of some person or persons living and residing within this Province, and forthwith to publish and give notice of such their charge or assessment in the Gazette, or by writing fixed at the church door of the parish where such lands shall be situate; and in case the sum or sums with which such lands shall be so charged as aforesaid, and the lawful interest thereof from the time of the assessment, made at the rate of ten per centum per annum, shall not be paid to the assessors or collectors, or to the public treasurer or receiver of this Province, within two years next after such notice shall have been given as aforesaid, that then such lands shall be forfeited to his Majesty, and shall be deemed and taken as vacant lands; any law, statute, usage or custom to the contrary thereof in any wise notwithstanding.

VI. *And be it further enacted* by the authority aforesaid, That the several persons hereinafter named, shall be inquirers and collectors for the several parishes hereinafter mentioned respectively, viz: For the parish of Christ Church, Jacob Bond, Esq. and Captain Thomas Boone; for the parish of St. James Goose Creek, Mr. Arthur Smith, Mr. Peter Marion and Mr. Francis Cordes; for the parish of St. John, in Berkley county, Daniel Huger, Esq., Isaac Child and John Ward; for the parish of St. George, Dorchester, Mr. William Dunning and Mr. William Walter; for the parishes of St. Thomas and St. Dennis, Mr. John Dutarque and Mr. John Paget; for the parish of St. Andrew, (James Island excepted) Mr. Henry Izard and Mr. Bernard Elliot; for that part of the said parish called James Island, Mr. William Wilkins, jr. and Mr. William Mathews; for the parish of St. John, in Colleton county, viz: for John's Island, Mr. Obadiah Wilkins and Mr. Thomas Ladson; for Wadmelow Island, Thomas Winborne and Richard Purcell; for Edisto Island, Joshua Grimbail and Janes Clark; for the parish of St. Paul, that is to say, for Stono and the east side of Pon-pon, Mr. James Barry, Benjamin Seabrook and Henry Yonge; and for Beach Hill in the said parish, Richard Bedon and John Quarterman; for the parish of St. Bartholomew, John Jackson, Nathaniel Payne and Florence Mahoney; for Combee and Chehaw, in the said parish, James Burzett and John Field, jr.; for the parish of St. James Santee, Noah Serre, Jonah Collins and Rene Peyre; for the parish of Prince George Winyaw, George Pawley, William Waties and Andrew DeLavilliat; for the parish of Prince Frederick, William Swinton, Thos. Charnock and David Allen; for the parish of St. Helena, Port Royal, Jonathan Norton, Edward Wigg and John Greene; for the township of Purysburg, Captain Laffitte.

VII. *And be it further enacted* by the authority aforesaid, That John Garnier, John Watson, merchant, and Jonathan Scott, be and they are hereby appointed inquirers for the parish of St. Philip's, Charlestown; and that John Guerard, Isaac Holmes, merchant, John Laurens, Frederick

A. D. 1739. Grimke and John Stone, be, and they are hereby appointed assessors and collectors for the said parish of St. Philip's, Charlestown.

Time of payment.

VIII. *And be it further enacted* by the authority aforesaid, That all persons whosoever, that are possessed of any lands or slaves in this Province, in their own right, or in the right of others, or are any ways liable to pay tax by virtue of this Act, shall pay in their taxes to the several persons hereby appointed to receive the same, on or before the second Tuesday in March next ensuing, or within ten days then next after at farthest, at which time the said inquirers, collectors and assessors of the several parishes within this Province respectively, shall close their accounts, and shall transmit the same on oath to the public treasurer for the time being, and pay him all such moneys as shall be by them respectively received, in pursuance of the directions of this Act, on or before the first Tuesday in April next ensuing. And all and every person whosoever, liable to pay any tax by virtue of this Act, shall, at the time of giving in their accounts to the several inquirers and collectors, respectively, take the following oath, viz: "I, A B, do swear that the account I now give in is a just and true account of all the lands and slaves which I, either in my own right, or in the right of my wife, (or my wife as guardian or trustee) am or is any ways possessed of, interested in or entitled unto, by virtue of or under any patent, grant or warrant and survey thereon, within this Province, either in my own right, or as executor, administrator, guardian or attorney to or in trust for any other person or persons whosoever; and this I declare without any equivocation or mental reservation whatsoever: So help me God." Which oath any of the inquirers and collectors are hereby impowered and required to administer. And the said inquirers and collectors, for each parish and district respectively, shall give in an account in writing of their own lands and slaves, on oath, after the manner before directed, to the receiver or publick treasurer respectively.

Oath of the owners of taxable property.

Treble tax to be paid on concealment.

IX. *And be it further enacted* by the authority aforesaid, That if any person or persons, in giving in or rendering his account of lands and slaves as aforesaid, shall wilfully conceal any part thereof, all such persons shall forfeit treble tax for what they so conceal.

Persons omitting to make returns to be deemed defaulters.

X. *And be it further enacted* by the authority aforesaid, That any person neglecting or refusing to give in his, her or their account of lands and slaves to the inquirers and collectors aforesaid respectively, at such time and place as they shall appoint, or by the third Tuesday in February next, at farthest, he, she or they shall be deemed a defaulter or defaulters, and shall be by the inquirers doubly taxed for all his, her or their lands and slaves.

Non residents owning lots in Charlestown.

XI. And whereas, divers persons living without the limits of Charlestown plat, are possessed of divers houses and town lots, or parts of lots, within the same, *Be it therefore enacted* by the authority aforesaid, That all such persons shall be rated for such lots as if they were actually resident in Charlestown; and all town lots and the improvements thereon within the limits of Charlestown plat, shall be rated at the discretion of the assessors in Charlestown.

Parish of St. Philip's, Charlestown.

XII. *And be it further enacted* by the authority aforesaid, That the inquirers for Charlestown are hereby directed and ordered to inquire into and take an account of all such real estates and slaves of the inhabitants living and residing within the limits of the parish of St. Philip's, Charlestown, which they shall be possessed of, interested in or entitled unto, either in their own right or in the right of any other person whosoever, which are lying or being in the parish of St. Philip's, Charlestown, and of all the lands and slaves which the inhabitants of the said parish are posses-

sed of without the limits of the same, or in any other part of this Province; and the said inquirers shall make and finish their inquiry, and return the same to the assessors hereby appointed for Charlestown, on or before the last Tuesday in February next; and the said inquirers for the parish of St. Philip's Charlestown, shall likewise extract and certify to the said assessors all the lands given in to them by the owners and inhabitants of Charlestown without the limits of the said parish; and all lands and slaves without the limits of the parish of St. Philip's Charlestown, shall be reckoned as part of the country tax. Provided always, nevertheless, that nothing herein before contained shall extend or be construed to extend to give the said assessors any power or authority to rate or assess any goods, wares, merchandizes or effects, that shall be consigned immediately to any merchants or factors in this Province to dispose of as factors only.

A. D. 1739.

Property held
on consignment
not to be taxed.

XIII. *And it is hereby declared*, That the several slaves belonging to the inhabitants of St. Philip's Charlestown, which have been for six months last past employed in the said parish, shall be reckoned and accounted as part of the tax to be levied on the inhabitants of the said parish; and that all and every their lands and slaves without the limits of the said parish, shall be reckoned and accounted as part of the country tax.

Slaves employ-
ed for 6 months
in Charlestown.

XIV. *And be it further enacted* by the authority aforesaid, That the store-keepers living in the country shall be rated by the inquirers in the several parishes where they live, for their stock and cash, after the rate of $2\frac{1}{2}$ per cent., and the money arising by the assessment of such stores shall be paid to the collectors respectively, and shall be deemed as part of the country tax. And in such parishes where one of the inquirers and collectors shall happen to be a store-keeper, the other inquirer and collector shall be and is hereby empowered to assess such store-keeper in the same proportion as other store-keepers are assessed at.

How store-
keepers are to
be taxed.

XV. *And be it further enacted* by the authority aforesaid, That every person, as well an inhabitant of Charlestown as store-keepers in the country, who shall have reason to believe he is over-rated by such assessors, shall have ten days publick notice given by the assessors or inquirers, at the watch-house in Charlestown, or at any other publick place in the country for that purpose, to swear off so much as he or they shall think they are over-rated before the said assessors or inquirers as aforesaid, and the said assessors and inquirers are hereby empowered to administer such oath and allow of an abatement accordingly.

In case of being
over-rated,
persons taxed
may swear off.

XVI. *And be it further enacted* by the authority aforesaid, That the said assessors and collectors for the parish of St. Philip's Charlestown, upon receiving the returns of the inquirers, shall administer to them the following oath: "You, A B, C D and E F, do swear, that the account you now give in, is a just and true account of all the real estates and slaves of the several inhabitants of the parish of St. Philips, Charlestown, according to the best of your knowledge: So help you God."

Oath of persons
making return
of taxable
property.

XVII. *And be it further enacted* by the authority aforesaid, That the said inquirers for St. Philip's, Charlestown, shall at the same time render an account to the said assessors and collectors of their own real estates and slaves in this Province, and take the same oath before the assessors, *mutatis mutandis*, as they are directed to administer to the other inhabitants of Charlestown.

Inquirers to
make return of
their own
property.

XVIII. *And be it further enacted* by the authority aforesaid, That the said assessors and collectors shall be and they are hereby authorized to rate and assess the sum of five thousand nine hundred and seventy-two pounds four shillings and six pence, on the real and personal estates, stocks

A. D. 1739.

Proportion of
taxation for
St. Philip's,
Charleston.

and abilitys of the inhabitants of the parish of St. Philip's, Charlestown, and others interested in the said parish as aforesaid, rateably and proportionably, according to the best of their skill and knowledge; and any two of the said assessors and collectors shall be a quorum, and shall meet at the new Court House in Charlestown, on the last Tuesday in February next, and there continue to finish the assessment of the said parish of St. Philip's, Charlestown, or to adjourn to any other place, as they shall see fit; and the said assessors shall finish and complete the said assessment for the said parish, on or before the last Tuesday in March next, and shall cause a duplicate thereof to be posted at the Watch-house in Charlestown, in seven days after the said assessment shall be closed. And the said assessors, before they enter upon the execution of their office, shall take the following oath, before one of his Majesty's justices of the peace, who shall give them a certificate for so doing, gratis: "I, A B, do sincerely swear that I will indifferently, equally and impartially rate and assess all and every person to me returned to be assessed by the inquirers of the parish of St. Philip's, Charlestown, for that purpose, according to the directions to me given by this Act, and according to the best of my skill and knowledge: So help me God."

Oath of the
assessors.

Mistakes may
be rectified.

XIX. *And be it further enacted* by the authority aforesaid, That in case the assessors shall find any mistake in the return of the inquirers, the said assessors shall not be so strictly bound by the said return but that they may have liberty to proceed according to better information and knowledge.

Time of
payment.

XX. *And be it further enacted* by the authority aforesaid, That every person so assessed by the said assessors for the said parish of St. Philip's, Charlestown, shall pay into the hands of the said assessors the several sums of money on them respectively assessed, on or before the third Tuesday in April next.

Inquirers and
collectors may
issue warrants
against
defaulters.

XXI. *And be it further enacted* by the authority aforesaid, That in case any person whatsoever, living without the limits of Charlestown parish, shall neglect or refuse to pay in his or their tax, at the days and times herein before mentioned and appointed for the payment thereof, the inquirers and collectors respectively shall, within ten days after the time is fully elapsed, without favor or affection or further delay, levy the same by virtue of a warrant, by them or any one of them to be signed and sealed for that purpose, which warrant shall be directed to the constable or constables of the respective parish where such defaulter lives or resides, requiring him to levy the same by distress and sale of the defaulter's goods, returning the overplus (if any there be) to the defaulter, after deducting the reasonable charges; and if no such distress can be found, and the defaulter shall neglect or refuse to produce goods whereon the moneys so assessed may be forthwith levied, then the said constable or constables, by virtue of the said warrant, shall take the body of such defaulter, and bring him to the common goal in Charlestown; which warrant shall run in these words, *mutatis mutandis*, viz:

Form of the
warrant.

"By A B, C D and E F, collectors of the general tax for the parish or precinct of . . . in . . . county. To G H, constable of the precinct of . . . or to the provost marshal of the Province of South Carolina, or his lawful deputy: Whereas, J K, of . . . , hath been duly assessed by us the subscribers, collectors of the tax for the parish or precinct of . . . , the sum of . . . for . . . tax, for defraying the charges of the year ending on the twenty-fifth day of March, one thousand seven hundred and thirty-nine, which . . . hath neglected to pay: These are therefore in his Majesty's name, strictly to charge and command

you to levy by distress and sale of the goods and chattels of the said J K, the said sum of . . . together with the charges thereon; and in case the said J K shall refuse or neglect to produce goods or chattels sufficient to levy the said distress and the charges thereon, that then you take the body of the said J K, and him safely convey to the common goal in Charlestown, commanding you, the keeper of the said goal, to detain the body of the said J K in your custody, until he shall pay the said sum of . . . together with the charges of keeping and detaining . . . as aforesaid; and for so doing, this shall be your sufficient warrant.— Given under our hands and seals, this . . . day of . . . Anno Dom. 173 .

"A B, C D, E F."

And the provost marshal shall detain such person in the goal aforesaid, without bail or mainprize, until they have satisfied the debt and charges aforesaid. And the said assessors and collectors of the parish of St. Philip's, Charlestown, shall have the same power and authority, and proceed in the same manner for levying and recovering the tax of the defaulters living within the said parish, as is above directed. And the constable or constables to whom such warrant shall be directed, shall take the following fees in the execution of their office, viz: For every execution, six shillings, and one shilling for every pound to be levied as aforesaid, and one shilling for every mile, to be computed from the dwelling house of such constable or constables, to the dwelling house or place of residence of such defaulter, and no more or any other fee or fees whatsoever; and the inquirers, collectors and assessors respectively, for every such warrant he or they shall so issue, shall have from such defaulter ten shillings current money.

Fees allowed

XXII. *And be it further enacted* by the authority aforesaid, That if any taxable person shall neglect to give an account of his estate to the said inquirers and collectors, by the time before limited in this Act, or shall omit or neglect to pay either his own tax or the tax to be assessed by virtue of this Act on any person for whom he is guardian, attorney, executor or trustee, by the time above limited, the said inquirers and collectors respectively, where such taxable person lives, are hereby impowered and required to issue their warrant in the same manner as above directed; and in case the said inquirers and collectors shall not have a just information what such person's tax doth amount to, the said warrant shall run for four times the sum such person was rated in the last tax, and shall be dealt with in all other respects as a defaulter.

Warrant with penalty against defaulters.

XXIII. *And be it further enacted* by the authority aforesaid, That the publick treasurer shall have full and ample power, in all respects, for collecting and getting in arrears of taxes, which are or were due by any former law or Act of Assembly, notwithstanding the same be repealed or expired, and the same may be recovered by virtue of a warrant under the hand and seal of the publick treasurer.

Power of the publick treasurer.

XXIV. *And be it further enacted* by the authority aforesaid, That in case any person shall happen to dye between the time of giving in his account to the said inquirers and collectors, and the paying of his tax, and any goods or chattels of the deceased, to the value of the sum he was assessed at, shall come to the hands of his executors or administrators, or any executors in their own wrong, such executors or administrators shall pay the same by the time before limited, prior to all mortgages, judgments and debts whatsoever, (debts due to his Majesty only excepted) or otherwise a warrant or execution shall issue against the proper goods of such executor or administrator; and if any person, between the time

Taxed persons dying or about to leave the Province.

A. D. 1739.

limited for rendering the account of his estate to the collectors and inquirers aforesaid, and the time of paying in his tax, shall be about to depart this Province, the said collectors and assessors are hereby directed and required forthwith to levy the same, notwithstanding the day of payment is not then already come, unless such person will find suretys to the liking of the said collectors and assessors, for the payment thereof at the time appointed.

Deeds made to
avoid taxation
declared void.

XXV. *And be it further enacted* by the authority aforesaid, That all deeds of gift, conveyances, mortgages, sales and assignments of lands and tenements, goods and chattels, of any person whosoever, made with an intent to avoid being assessed or paying tax, are hereby deemed and declared to be fraudulent and null and void, to all intents and purposes whatsoever.

Mortgaged
property.

XXVI. *And be it further enacted* by the authority aforesaid, That in case any person who has mortgaged any part of his real or personal estate, shall refuse or neglect to pay tax for the same, the mortgagee shall be answerable and lyable to pay the sums assessed on the mortgager; provided that such estate shall be in the possession of the mortgagee.

Penalty for
neglect of duty.

XXVII. *And be it further enacted* by the authority aforesaid, That the publick treasurer, inquirers, collectors, assessors, marshal, constables and every other magistrate or officer, who shall neglect or refuse to do and perform the several matters hereby required of them to be done respectively, within the time prescribed by this Act, shall for every such neglect or refusal, forfeit the sum of one hundred pounds current money, to be recovered in any court of record in this Province, the one half to his Majesty for the support of this government, and the other half to him or them that will sue for the same, by action of debt, bill, plaint or information, wherein no essoign, privilege, protection or wager of law shall be allowed or admitted.

Case of inquir-
ers, &c. dying
or removing
from the
Province.

XXVIII. *And be it further enacted* by the authority aforesaid, That in case any of the inquirers, collectors or assessors before mentioned, shall happen to dye, refuse to act, or depart this Province, before they have executed the powers and authorities hereby given them, that then his honor the Lieutenant Governour, or the Commander-in-chief for the time being, is hereby impowered to nominate and appoint another fit person in the room of him so dying, refusing to act, or going off, and the person so appointed shall have the same powers and be under the same penaltys as the assessors, collectors and inquirers hereby nominated.

Process against
the provost
marshal.

XXIX. *And be it further enacted* by the authority aforesaid, That the publick treasurer for the time being, be and he is hereby impowered to grant immediate execution against the provost marshal for the time being, and all former provost marshals, and in case of their decease, against their executors and administrators, where there are assets, for all arrears of taxes due and owing to the public of this Province, and also against all former constables and collectors of taxes, and collectors and assessors for the time being, for all taxes now or hereafter to grow due, when the time is or shall be elapsed for paying in the same; and in case the publick treasurer shall grant any execution or executions against any of the persons aforesaid, where there is nothing due, or for more money than is come to their hands, it shall and may be lawful to and for such person, against whom such execution is wrongfully granted, to maintain an action at law against such treasurer, and recover double damages and treble costs of suit.

XXX. *And be it further enacted* by the authority aforesaid, That the assessors for the parish of St. Philip's, Charlestown, shall assess on the

inhabitants and owners of lands and slaves in the said parish, the sum of one thousand eight hundred and twenty-seven pounds eight shillings and eight pence current money, more than their general tax, to be paid in proportion to their said general tax; and they are hereby authorized and required so to do, as by the Acts of the General Assembly for building the work house and maintaining the watch, and the Act for preventing accidents by fire in Charlestown, in that behalf is directed and provided; and the said assessors and collectors are hereby impowered and required to levy the same accordingly, and to pay the sum of five hundred and eighty-five pounds, part thereof, to the publick treasurer for the use of the work house in Charlestown, the sum of one thousand and forty-two pounds eight shillings and eight pence, other part thereof, to the said publick treasurer for the use of the watch in Charlestown, and the sum of two hundred pounds, residue thereof, to the said publick treasurer for the use of the commissioners of the fire office in Charlestown.

A. D. 1739.

Assessment on
St. Philips,
Charlestown.Application
thereof.

XXXI. And whereas, the burthen of paying and defraying the charge of the watch in Charlestown, hath hitherto been borne by and fallen to the share of the settled inhabitants of and in the said town, who are liable to and do pay tax towards the support of the government and to other payments, and to parish and other dutys; and whereas, divers masters of vessels and other transient persons, yearly import and bring into Charlestown, large quantities of goods, wares and merchandizes, and there expose the same to sale in their ships, or in shops or stores hired for that purpose, and thereby make great gain to themselves without paying or being liable to such taxes or provincial or parish dutys as the settled inhabitants of the said town are; and whereas, such masters of vessels or other transient persons, during their stay here, are equally partakers with the settled inhabitants of all the advantages of the night watch and guard established in Charlestown, and therefore ought in some measure to contribute towards the charge of keeping and maintaining the same, *Be it therefore enacted* by the authority aforesaid, That immediately from and after the passing of this Act, all masters of vessels and other transient persons who shall import or bring into Charlestown, or in the port or harbour thereof, any goods, wares or merchandize, with intent to sell or dispose of the same, shall, during their stay in Charlestown aforesaid, be deemed and taken as inhabitants of that town, and shall be liable to be rated and assessed according to the trade they carry on in Charlestown or the port and harbour thereof, for and towards defraying the charge of maintaining the said watch, as if they were actual inhabitants of and in the said town, any Act, usage or custom to the contrary thereof in any wise notwithstanding.

Masters of ves-
sels and other
transient tra-
ders liable to
taxation.

XXXII. *And be it further enacted* by the authority aforesaid, That the public treasurer and the comptroller for the time being, shall be and they are hereby declared, ordained and appointed assessors of the rates and taxes hereinafter directed to be paid by and levied on such transient or other persons so trading and not being settled inhabitants as aforesaid.

To be assessed
by the public
Treasurer and
Comptroller.

XXXIII. And the better to come at the knowledge of the goods, wares and merchandizes hereafter to be imported by such transient or other persons, *Be it enacted* by the authority aforesaid, That all and every transient and other person and persons made liable by this Act to bear and pay his, her or their proportion of the charge of maintaining the said watch as aforesaid, who shall import or bring into Charlestown harbour any goods, wares or merchandize with intent to sell or dispose of the same in this Province, shall within forty-eight hours after the ship or vessel in which the same shall be so imported, is brought to an anchor in the port of Charlestown, enter with the comptroller for the time being a true

Forfeiture on
neglect of
giving notice
by transient
traders.

A. D. 1739.

Persons sued
shall be held to
special bail.

and exact account of the prime cost of all such goods, wares and merchandizes so imported, upon oath, which oath the said comptroller is hereby empowered and required to administer; and in case of refusal or neglect the person so offending shall forfeit and pay the sum of five hundred pounds current money, one moiety thereof to his Majesty, his heirs and successors, to be paid and applied towards defraying the charge of maintaining the watch and guard of Charlestown, and the other moiety to him or them that shall inform and sue for the same, to be recovered with costs of suit in any court of record in this Province, by action of debt, bill, plaint or information, wherein no privilege, protection or wager of law shall be allowed or admitted, nor any more than one imparlance; and in all such actions and suits for the said penalty, the party against whom such action or suit shall be brought shall be held to and obliged to give in special bail to answer the same; any law, usage or custom to the contrary in any wise notwithstanding.

Duty of the
comptroller and
treasurer as to
transient
traders.

XXXIV. *And be it further enacted* by the authority aforesaid, That upon the receipt of such entry of the prime cost upon oath, so to be delivered to him as aforesaid, the said comptroller shall without delay return a transcript thereof to the public treasurer for the time being, and the said public treasurer is hereby authorized, directed and required forthwith to levy, recover and receive from every such master or other transient person so trading as aforesaid, for and towards defraying the charge of maintaining and keeping the said watch and guard, the tax hereby imposed in manner following, that is to say, after the rate of one pound sterling on the value of every hundred pounds sterling prime cost, and so on in like manner where the said prime cost shall be returned in proclamation or any other money contained in such entry, hereby directed to be produced and delivered as aforesaid, and for which no duty or other tax is to be paid by the laws of this Province; and ten shillings sterling for every one hundred pounds sterling on all such other goods, wares and merchandize on which a duty or some other tax is laid, and to be paid by the laws aforesaid, and so in proportion for a greater or less sum on the value of the goods imported as aforesaid; all and every which sum and sums, so to be assessed as aforesaid, the said treasurer is hereby directed, authorized and required to collect, demand and receive; and in case of non-payment within ten days after he shall have made a demand thereof, to sue for and recover the same in the manner hereafter directed, that is to say, for all and every sum and sums under twenty pounds current money, in such and the same manner as debts are recovered by virtue of the Act for the trial of small and mean causes; and for all and every sum and sums above twenty pounds current money, by action of debt in any of his Majesty's courts of record, wherein no essoign, protection, or wager of law, or more than one imparlance, shall be admitted or allowed.

Appropriation
of the money
collected from
transient
traders.

XXXV. *And be it further enacted* by the authority aforesaid, That all the moneys arising by the tax of such master or other transient persons as aforesaid, and also the moneys arising by virtue of the Acts for maintaining and keeping a watch and good orders in Charlestown, shall be paid by the public treasurer to the officers and men belonging to the watch and guard in Charlestown, according to the allowances or proportions in the Acts for keeping and maintaining the said watch (or either of the said Acts) mentioned, in the same way and manner as the other officers and men in the pay and service and on the establishment of this Government, in the several forts and garrisons in this Province, and not otherwise; any thing in the said Acts, or either of them, to the contrary in any wise notwithstanding. And the commander of the said watch shall be obliged

to return muster rolls of his said men in the same way and manner as the commanders of the garrisons do; and the said public treasurer shall be allowed the sum of two and an half per centum on all the moneys he shall receive, and two and a half per centum, and no more, on all the moneys he shall pay arising by the said tax hereby imposed on masters of vessels and other transient persons, in full of all fees and demands relating thereto, any thing to the contrary notwithstanding.

XXXVI. *And be it further enacted* by the authority aforesaid, That if any of the assessors, inquirers, collectors, public treasurer, comptroller, provost marshal, constables or other person, shall be sued for any matter or thing by him or them done in execution of this Act, it shall and may be lawful for such person and persons aforesaid, to plead the general issue, and give this Act and the special matter in evidence, and in case judgment shall be given for the defendant or defendants, he or they shall recover treble costs of suit.

A. D. 1739.

General issue may be pleaded, and this Act given in evidence.

XXXVII. And whereas, the general tax of the past year will amount to the sum of thirty-five thousand eight hundred and thirty-three pounds six shillings and eleven pence three farthings current money of this Province, *Be it therefore enacted* by the authority aforesaid, That the said sum of thirty-five thousand eight hundred and thirty-three pounds six shillings and eleven pence three farthings, shall be appropriated, applied and paid by the public treasurer, according to the estimate or schedule hereto annexed, and not otherwise, that is to say,

General appropriation of this assessment.

THE ESTIMATE

Or Schedule of the Public Debt from the 25th day of March, in the year of our Lord 1738, inclusive, to the 25th day of March, 1739, inclusive, to which the Act annexed refers.

FORT MOORE.

To the Commander, one year's pay,	£ 300 00 00
The Lieutenant, at £14 per month,	168 00 00
The Serjeant, at £9 10s. per month,	114 00 00
Fourteen men, at £7 per month each,	1176 00 00
Provision for 17 men, at £32 per annum each,	544 00 00—£2302 00 00

FORT JOHNSON.

To Capt. James Craigie as Commander, from 25th March to 29th of October,	118 15 00
The Serjeant, at £12 per month,	144 00 00
Six men at £8 per month each,	576 00 00
Provision for eight men, at £30 per annum each,	256 00 00—£1094 15 09

FORT FREDERICK.

To the Commander, six months,	75 00 00
The Serjeant, six months,	72 00 00
Three men, six months, at £8 per month,	144 00 00
Provisions for five men six months, at £32 per annum each,	80 00 00—£ 371 00 00

To Capt. James Craigie, gunner of Broughton's battery, from 29th October 1738 to 25th March, 1739, 40 05 05

To the Administratrix of James Blair, deceased, late gunner of Craven's bastion, from 29th October, 1738, to 25th March, 1739, 41 12 01

Parochial charges—To St. Philips, Charlestown, £55; twelve other parishes at £40 each, 535 00 00—£ 616 17 06

To the Honourable William Bull, Esq. Lieutenant Governor, 2500 00 00

A. D. 1739.	To John Dart, Esq. Commissary,	400 00 00
	To the commissioner of the Indian trade,	100 00 00
	To Colonel Miles Brewton, for house rent,	300 00 00
	To the Executors of Mr. Anyand, deceased, late Clerk of the Assembly, a year's salary,	600 00 00
	To Abraham Croft, Messenger, a year's salary,	250 00 00
	To James Ballentine, Deputy Messenger, a year's salary,	150 00 00
	To the Executors of Mr. Jesse Badenhop, deceased, late Clerk of the Council, a year's salary,	300 00 00
	To Alexander Cramahe, a year's allowance,	200 00 00
	To William Hamilton, Messenger of the Council, a year's salary,	200 00 00—£5000 00 00
	To Peregrine Fury, Esq. Agent in London, £200, sterling, for a year's salary to 25th March, 1739, at 800 per cent.	1600 00 00
	To James Coachman, for land bought of him for the use of the Notchee Indians,	100 00 00
	To the commissioners for carrying on the Silk Work, £100 sterling, at 800 per cent.	800 00 00
	To the commissioners for managing the Silk work, towards maintaining Poyas Family, and 6 negroes	500 00 00—£3000 00 00
	To Thomas Walker, allowed,	60 00 00
	To John Walker, for the hire of his schooner,	148 12 00
	To the church-wardens of St. John's in Colleton county, to purchase a Glebe,	1000 00 00
	To the church-wardens of the parish of St. Andrews, for a parsonage house,	300 00 00
	To the church-wardens of St. Philips, Charlestown, for the parsonage house,	600 00 00
	To the church-wardens of the parish of St. George's Dorchester, for a parsonage house,	300 00 00
	To the church-wardens of the parish of St. Johns, in Berkeley county, for parochial charges for the years 1735 and 1736, unpaid when all the surplus money was applied in ease of the last tax,	80 00 00
	To the clerk of the committee of correspondence,	50 00 00—£2538 12 00
	To the Hon. James Crokatt, Esq.	2 10 00
	To Ebenezer Simmons,	2 15 00
	To Childermas Croft,	95 10 00
	To Capt. William Eddings,	8 05 00
	To William Fitzgerald,	36 10 00
	To the Administrators of Arthur Shaughan, Esq. deceased,	72 10 00
	To Samuel Jennings,	10 00 00
	To Messrs. Lardant & Jenkins,	8 07 06
	To Crokatt & Seaman,	2 10 00
	To Abraham Croft,	8 17 06
	To Dr. Brisbane,	24 10 00
	To Jacob Motte, Esq.	11 00 00
	To Thomas Lloyd, as gunner of Charlestown, £225, and an account allowed, £257 6s. 3d.	482 06 03—£ 765 11 03
	To David Alexander, commander of the Scout Boat at Callebogy and six men, viz :	
	To David Alexander, two months pay,	30 00 00
	To Simon Jones, one month,	12 00 00
	To James Croskeys,	24 00 00
	To Robert Wilkinson,	24 00 00
	To Morgan Ellis,	24 00 00
	To James Kane,	24 00 00
	To Joseph Alexander,	24 00 00
	To Hugh Bryan, for a scout boat,	16 00 00—£ 178 00 00

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To John Cowen and three men, in St. Philips scout boat, viz :	
To John Cowen, two months,	30 00 00
To Daniel Vane,	24 00 00
To William Winter, } two months,	24 00 00
To Amos Battoo,	24 00 00
To John Chaplain, for the hire of a canoe,	12 00 00—£ 114 00 00
To Col. Barnwell, for bringing Capt. Prue to Charlestown, and for provisions for the scout boats,	37 10 00
To the Executors of Major Hugh Butler,	96 03 09
To the Executors of Major Hugh Butler, for 13 days attendance on the Indians in town,	39 00 00—£ 172 13 09
To John Moultrie, on account,	20 00 00
To the Honourable Joseph Wragg, Esq. for 6 negroes bought for the Silk work,	900 00 00
To William Trewin, Esq. an account,	65 00 00
To the Executors of Philip Massey, deceased,	161 16 1½
To William Hamilton,	62 05 00
To Robert Hall, Provost Marshal,	500 00 05
To John Lacy's account for provisions supplied the Cherokees, upon the accounts being duly proved, to be paid to Mr. Dart, he having advanced the money to Lacy for that purpose,	85 17 06
To Nathaniel Jackson, } two months service with	40 00 00
To Philip Jackson, } Major Butler to the Cherokees.	40 00 00
To Hugh Morphy,	40 00 00
To Robert Lang,	40 00 00
To Gabriel Manigault, Esq. account of disbursements supplied in the year 1733,	1447 13 03
To John Serjeant, on account,	27 17 06—£3433 09 9½
To John Brown, for keeping look-out at North Edisto, from the 20th February to 20th August, 1733, per certificate of Col. Gibbes, at £10 per month,	60 00 00
To the sum of £3000 raised in last Estimate, to sink so much of the £35010 orders, Resolved by the House on the 13th September, 1733, to be lent to the commissioners of the fortifications and curtain line, each one half, to be provided for in this estimate,	3000 00 00
To the like sum a proportionable part of £15,000, expended in 1737,	3000 00 00
To the church-wardens of Christ Church parish, towards building a parsonage house,	400 00 00
To Col. Miles Brewton, borrowed from the Buoy and Beacon Fund, to purchase provisions, &c. for the agents to St. Augustine, to be by him replaced in that fund,	250 00 00
To Isaac Mazyck, Esq. Commissary Taylor's order for 7 bbls. Tar and 1 bbl. Small Rice,	17 09 03—£6727 09 03
To a proportionable part of £4506 4s. 4½d. supplied this year, in defence of the Province, out of the £35010 orders, the Act now running for four years, this year inclusive,	1126 11 01
To defraying the charge of surveying 21774 acres of land, near New Windsor, for the use of the Chickesaw Indians, to be drawn for by his Honor the Lieutenant Governor or Commander-in-chief,	400 00 00
To the Executors of Jesse Badenhop, deceased, late Clerk of the Council, on account,	505 13 01
To the Executors of Isaac Amyand, deceased, late Clerk of the Assembly, on account,	774 11 00

A. D. 1739.	To Charles Pinckney, Esq. on account,	10 00 00
	To James Wright, Esq,	32 05 00—£2849 00 02
	To John Fraser and Peter Sheppar, in full of last year's account,	19 15 00
	To John Milner, on account,	208 15 00
	To Robert Hiett, to be paid when his account is proved,	22 00 00
	To John Dart, Esq. Commissary, on account,	99 13 03—£ 350 03 03
	The sums following to be paid by certificate from the Commissary, viz :	
	To the Honourable James Crokatt, Esq.	13 05 00
	To the Honourable Joseph Wragg, Esq.	10 02 06
	To Mary Ellis,	23 01 03
	To Crokatt & Seaman,	538 01 03
	To Cattell & Austin,	246 05 00
	To Othniel Beale,	175 00 00
	To John Beswicke,	40 00 00
	To Simmons & Smith,	177 07 06
	To John Owen,	188 17 06
	To Smith & Stygers,	60 15 00
	To Thomas Cooper,	38 05 00
	To Robert Pringle,	22 00 00
	To the Executors of William Linthwaite, deceased,	7 08 5½
	To Binford & Osmond,	29 10 00
	To the Executors of Peter Horry, deceased,	19 00 00
	To Samuel Eveleigh,	54 05 00
	To McKenzie & Watson,	48 05 00
	To Malachi Glaze,	30 00 00
	To William Smith,	40 18 09—£1762 07 2½
	To John Dart, Esq. Commissary, balance of his cash account,	229 10 0½
	To Capt. Daniel Pepper, an account to be paid him when proved on oath,	129 10 00
	To the Administrators of Lewis Timothy, on delivery of the Laws now printing, to the Commissary,	173 10 00
	To Elias Horry, Esq. Coroner,	82 10 00
	To Lewis Lormier,	25 00 00—£ 410 10 00
	To John Hammerton, Esq. on one account, £234 2s. 6d. and on another, £117 2s. 9d.	441 05 03
	To an addition of £3 per man, for Fort Moore, in consideration of the scarcity of provisions for the year,	51 00 00
	To the same for fort Frederick,	16 10 00
	To Col. Joseph Fox, and two men, going to the Cherokees to bring down Dr. Priber, to be paid by order from his Honor the Lieutenant Governour and his Majesty's honourable Council,	402 00 00
	To Edward Bullard, hire of a sloop to carry the Agents to St. Augustine,	300 00 00
	To Capt. Daniel Pepper, a further account for supplying the Chactaw Indians at Savanna Town, with sundry necessaries, to be paid him on his proving to the Treasurer the quantity supplied, and the prices they were sold for at that time at Savanna Town,	252 05 00
	To a further sum allowed to pay the hire of Bullard's sloop, to be paid in case it shall appear so much shall be due to him,	100 00 00
	To George Hunter, on account,	40 07 06
	To William Scriven, for his assistance in surveying the marsh land on the back of Charlestown,	14 00 00

For this year's contingencys, to be paid by the Treasurer on orders drawn for the same by his Honor the Lieutenant Governour, or the Commander-in-chief for the time being, and a majority of his Majesty's honourable Council,

A. D. 1739.

300 00 00—£1917 07 09

To the Commissioners of the Fortifications, for building an Armory for the preservation of the publick arms, gun carriages, and other warlike stores,

2000 00 00

£35833 06 11½

C. PINCKNEY, *Speaker*.

In the Council Chamber, the 18th day of December, 1739.

Assented to : WILLIAM BULL.

AN ACT TO APPOINT PERSONS TO SERVE IN JURYS, PURSUANT TO THE DIRECTIONS OF AN ACT OF THE GENERAL ASSEMBLY, PASSED THE TWENTIETH DAY OF AUGUST, IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND THIRTY-ONE, INTITLED "*An Act confirming and establishing the antient and approved methods of drawing Jurys by ballot in this Province, and for the better administration of justice in criminal causes, and for appointing of Special Courts for the tryal of the causes of transient persons, declaring the power of the Provost Marshal, for allowing the proof of deeds beyond the seas as evidence, and for repealing the several Acts of the General Assembly therein mentioned,*" AND FOR APPOINTING A SERMON TO BE PREACHED ON THE FIRST DAY OF EVERY COURT OF GENERAL SESSIONS OF THE PEACE, OYER AND TERMINER, ASSIZE AND GENERAL GOAL DELIVERY. No. 664.

WHEREAS, in and by an Act passed by the General Assembly of this Province the twentieth day of August, in the year of our Lord one thousand seven hundred and thirty-one, intituled "*an Act confirming and establishing the antient and approved method of drawing jurys by ballot in this Province, and for the better administration of justice in criminal causes, and for appointing of special courts for the tryal of the causes of transient persons, declaring the power of the provost marshal, for allowing the proof of deeds beyond the seas in evidence, and for repealing the several Acts of the General Assembly therein mentioned,*" it was amongst Preamble. divers other things enacted, that it should and might be lawful for the chief justice, public treasurer and coroner of Berkley county, once at the end of every three years after the passing the said recited Act, to make and appoint a new list of jurymen to serve at the several courts therein mentioned, observing the order and method in the said Act directed and appointed ; provided, that nothing in the said Act contained should be construed to extend to give the said chief justice, public treasurer or Coroner of Berkley county, any power or authority to appoint any new list of jury men, if the General Assembly at any time during the space and before the end of any of the said terms of three years, should appoint and establish any new list or lists of jurymen, but that the said chief justice, public treasurer or coroner of Berkley county, should only have power to appoint such new

A. D. 1740.



lists in case the General Assembly should not think fit to appoint any new lists during the space or before the end of the said respective terms therein before appointed for doing the same; and whereas, in the dreadful fire which happened in Charlestown on the eighteenth day of November, in the year of our Lord one thousand seven hundred and forty, the box in which was kept and which contained the names of the several persons who were appointed pursuant to the directions of the said Act of the General Assembly, to serve in juries in this Province, was burnt and destroyed, so that it is become necessary to appoint a new list of jurors; and the General Assembly having taken the matter under consideration, most humbly pray his most sacred Majesty that it may be enacted,

Persons named in the schedule hereto annexed and no others, to be drawn by ballot.

I. *And be it enacted*, by the Honourable William Bull, Esquire, Lieutenant Governour and Commander-in-chief, in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council and the Assembly of this Province, and by the authority of the same, That the several persons whose names are in the several lists or schedules hereunto annexed, and no other person or persons whatsoever, shall be drawn by ballot, impannelled and summoned and obliged to serve as jurymen at the several courts in the said above recited Act mentioned, and in such manner and form as is hereinafter directed and prescribed, that is to say, that the several persons whose names are mentioned in the first schedule or list annexed, intituled a list of grand jury men, shall be drawn by ballot, impannelled, summoned and obliged to serve on all grand juries at the court of general sessions of the peace, oyer and terminer, assize and general goal delivery, to be holden in Charlestown; and the several persons whose names are inserted in the second schedule or list annexed, intituled a list of petit jurymen, shall be drawn by ballot, impannelled, summoned and obliged to serve on all juries and inquests whatsoever, at any of the courts of record that shall at any time hereafter be holden at Charlestown in this Province; and the several persons whose names are inserted in the third schedule or list hereunto annexed, intituled a list of special jurymen, being inhabitants of St. Philips Charlestown, shall be drawn by ballot, impannelled, summoned and obliged to serve on all juries and inquests at all special courts, hereafter to be holden in this Province; the said above recited Act or any other Act, law, usage or custom to the contrary thereof in any wise notwithstanding.

The names of the jurymen to be written on pieces of paper or parchment and compared with the list.

II. *And be it further enacted* by the authority aforesaid, That the chief justice, publick treasurer and coroner of Berkley county, shall within ten days after the passing of this Act cause to be written on small pieces of parchment or paper of an equal size and bigness, the names of the persons hereby appointed to serve as jurymen, with the name of the parish where each person shall then live and reside, and having first diligently compared them with the lists or schedules hereto annexed, and shall cause them to be put into a box or chest to be for that purpose provided, with six divisions made therein, with the number of each division marked upon the cover thereof, observing the method following, that is to say, the names of all the persons mentioned in the schedule hereunto annexed, intituled a list of grand jurymen, shall be put in the division of the said box numbered one; and the names of all persons mentioned in the said schedule or list hereunto annexed, intituled a list of petit jurymen, shall be put into the division of the said box numbered three; and the names of the persons mentioned in the schedule or list intituled a list of special jurymen, shall be put in the division of the said box numbered five.

III. And whereas, before the new jury lists can be conveniently prepared, the time appointed for holding the court of common pleas on the

second Tuesday in February next will draw so near that it will not be possible for the provost marshal to summons in due time a jury drawn out of the general list appointed to be placed in the division numbered three, *Be it therefore further enacted* by the authority aforesaid, That it shall and may be lawful for the said chief justice, publick treasurer and coroner of Berkley county, within five days before the sitting of the said court to be holden on the second Tuesday in February next, to draw a jury to serve at the said court out of the list of special jurymen, placed in the division numbered five, observing the directions of the hereinbefore recited Act; and the jurors so to be drawn shall be obliged to serve and be subject to the same duties, pains and penalties as if they had been drawn to serve at any special court, pursuant to the directions of the Act herein before recited; any Act, law, usage or custom to the contrary notwithstanding.

A.D. 1740.

Jury for Berkley county.

IV. *Provided always, and be it enacted* by the authority aforesaid, That nothing in this Act shall extend to alter or change the method of drawing the names of the jurors in and by the above recited Act directed or appointed, or to repeal or alter the same Act in any respect, other than as aforesaid, but that the same shall be in full force against the jurors and other persons offending against the said Act; and such jurors and other persons shall be subject to the same duties, pains and penalties, as if the lists or schedules hereunto annexed had been annexed to the said recited Act and this Act had never been made, any thing herein before contained to the contrary notwithstanding. *Provided also*, that nothing in this Act contained shall be construed, deemed or taken to oblige any person or persons who heretofore have been, now are, or hereafter shall be members of his Majesty's honourable Council, judges or assistant judges in any of the courts of this Province, or members of the assembly and officers of any of the courts of justice, during the time they shall be members, and during the continuance in such office, or any person or persons exempted by the laws and statutes of Great Britain to serve as jurymen, or to debar or preclude any person or persons from challenging or excepting against any juror or jurors, where by the laws of Great Britain he or they might have been admitted so to do—challenges to the array, in respect of partiality, affinity or consanguinity of the provost marshal, only excepted.

This act not to alter the method of drawing jurors prescribed by the former act.

Exemptions from serving as jurors.

V. And whereas, it was customary heretofore in this Province, and is now usual in other parts of his Majesty's dominions, to have a sermon preached the first day of every court of general sessions of the peace, oyer and terminer, assize and general goal delivery, before the judges, officers attending the said court and grand jurors; but whereas the said custom has for some time passed been discontinued, *Be it therefore further enacted* by the authority aforesaid, That a sum not exceeding three pounds proclamation money, arising out of the fines imposed by law on jurors for their non-appearance at the said courts, be appropriated for the payment of a sermon, to be preached on the first day of every court of general sessions of the peace, oyer and terminer, assize and general goal delivery, and the publick treasurer is hereby directed to pay the same accordingly.

A sermon to be preached and paid for out of the fines of delinquent jurors.

WM. BULL, Jun., *Speaker.**In the Council Chamber, the 22nd day of January, 1740.*

Assented to: WILLIAM BULL.

(The lists of names in the schedule are omitted.)

A. D. 1740.

No. 665.

AN ACT CONCERNING MASTERS AND APPRENTICES.

Preamble.

FORASMUCH as the laws that are in force in this Province are not sufficient for the governing of apprentices, we humbly pray your most sacred Majesty that it may be enacted,

Minors lawfully indented as apprentices, shall be bound to serve out the period mentioned in the indenture.

I. *And be it enacted*, by the Honourable William Bull, Esq. Lieutenant Governour and Commander-in-chief in and over this your Majesty's Province, by and with the advice and consent of the Honourable Council and the Commons House of Assembly of the said Province, and by the authority of the same, That all and every person and persons whatsoever, that now are or at any time or times after the passing of this Act shall be bound by indentures to serve as an apprentice within this Province, in any lawful employment, calling, art, mystery or trade, although such apprentice or any of them have been or shall be within the age of twenty-one years at the time of making their several indentures, shall be bound to serve for the years in their several indentures contained, as fully and effectually, to every intent, as if the said apprentice had been of full age at the time of making such indentures, and shall be bound, accepted and taken as an apprentice, accordingly; any law, custom or usage to the contrary in any wise notwithstanding. Provided always, that such apprentice or apprentices hereafter to be bound, shall be indented in the manner and according to the directions of this Act, herein after mentioned; and provided also, that nothing in this Act contained shall extend to oblige any male apprentice to serve after he shall have attained the age of one-and-twenty years, or a female after she shall have attained the age of eighteen years.

Indentures how to be executed.

II. *And be it further enacted* by the authority aforesaid, That every person or persons under the age of one-and-twenty years, and hereafter intending to be bound by indenture as an apprentice, in this Province, shall execute such indenture in the presence and with the approbation of his or her father, mother or guardian; and if such intended apprentice hath neither father, mother or guardian, in the presence and with the approbation of the church-wardens of the parish where such person is indented; which said presence and approbation of such father, mother, guardian or church-wardens, shall and are hereby required to be certified under hand and seal, by any one justice of the peace for the county in which such indenture is executed, upon application for that purpose to him made by the master or mistress of such apprentice; which indenture or indentures, so executed and certified as aforesaid, shall be good and effectual, to all intents and purposes, as if such apprentice had been of full age and by indenture of covenant had bound him or herself, or otherwise shall be void and of none effect.

Persons may take and teach one or more apprentices.

III. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, it shall and may be lawful to and for any person or persons within this Province, to take one or more apprentice or apprentices, indented according to the directions of this Act, and to teach such apprentice or apprentices the lawful business, art, trade and mystery specified in the indenture or indentures of such apprentice or apprentices, during the time therein limited, and to retain and keep in his or their service such apprentice or apprentices until the expiration of the said time, or until such apprentice or apprentices shall be lawfully discharged, according to the direction of this Act, herein mentioned.

A. D. 1740.

IV. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful to and for the master or mistress of any apprentice, indented to serve within this Province as aforesaid, upon sufficient cause, to be approved of by the parent or guardian, or where there is no parent or guardian, by the church-wardens of the parish where such master or mistress resides, to assign and transfer the indenture of such apprentice to any other master or mistress, exercising within this Province the same employment, calling, trade, art or mystery; which said indenture, so assigned, shall be valid and effectual to the assignee as to the time remaining unexpired, as if the said apprentice had been originally indented to such assignee; and the said assignee, on accepting such assignment, shall be equally bound to the said apprentice, according to the tenor of the said indenture, as the original master or mistress was.

Indentures
may be
assigned.

V. *And be it further enacted* by the authority aforesaid, That the time of service of any apprentices (who now are or shall be indented to serve their masters, mistresses, their executors or assigns in this Province,) remaining unexpired at the time of the death of any of the masters or mistresses of such apprentices, and not before assigned in manner aforesaid, shall from henceforth be deemed and taken as assets in the hands of the executors or administrators of any such masters or mistresses, and it shall and may be lawful to and for such executors or administrators to retain any such apprentices in their own service during the remainder of such time: Provided, the executor or administrator so retaining such apprentice, doth at the time of such retainer carry on and exercise (by himself or some other white person in his employ) within the same parish where the testator lived, the same employment, calling, art, mystery or trade, to which the said apprentice was bound by his indentures; or otherwise, if the executors or administrators of such deceased person think fit, it shall be lawful for them to assign and transfer such indenture and the time therein unexpired, with the consent of any two justices of the peace of the county where the assignee resides, to any other person carrying on and exercising within this Province the same employment, calling, art, mystery or trade, specified in the said indenture; which said indenture, so retained or assigned, shall be valid and effectual to the executor or administrator so retaining, and to such assignee, as to the time remaining unexpired, as if the said apprentice had been originally indented to such executor, administrator or assignee; and the said executor, administrator and assignee, on retaining such apprentice or accepting such assignment, shall be equally bound to the said apprentice, according to the tenor of the indenture, as the original master or mistress was.

Master dying,
the executor or
administrator
may retain the
apprentice, if
he carries on
the same busi-
ness; if not, he
may assign the
indentures to
some one who
does.

VI. *And be it further enacted* by the authority aforesaid, That if any master or mistress within this Province shall misuse or evilly intreat his or her apprentice, or if the said apprentice shall have any just cause to complain, or do not his or her duty to the said master or mistress, then and in such case the said master, mistress or apprentice being grieved, and having just cause to complain, shall repair and make such complaint to any two justices of the peace within the county where such master or mistress resides, who shall and are hereby authorized and required by their wisdom and discretion to make such order and give such direction between the said master, mistress and apprentice, as the equity and justice of the case shall require; but if the said master, mistress or apprentice shall not rest satisfied with such order or direction of the said justices, it shall be lawful to and for the master, mistress or apprentice to repair and make complaint to the chief justice of this Province for the time being, who, with the assistance of any two of the assistant judges of the said Province, are hereby

Complaints be-
tween masters
and their
apprentices
may be settled
by application
to two Justices.

A. D. 1749.

With an appeal
to the Chief
Justice.

Proceedings
before the
Chief Justice
and his power
therein.

General issue
may be pleaded
and this Act
given in
evidence.

Limitation.

authorized and required to summon all parties concerned and to re-examine the said cause of complaint, and the order and direction therein made by the said justices, and to confirm or reverse the said order and direction, or to make such new order on that occasion as to them shall seem meet; and upon appearance of the said parties before the said chief justice and assistants, or default made after due summons for that purpose, and hearing the matter before them, if it be thought meet unto them to discharge the said apprentice from his or her apprenticeship, then the said chief justice and his said two assistants shall have full power and authority, in writing under their hands and seals, to pronounce and declare that they have discharged the said apprentice from his or her apprenticeship, with the cause or causes thereof; and the said writing so being filed by the clerk of the court of sessions, oyer and terminer, assize and general goal delivery, of this Province, amongst the records of the said court, shall forever thereafter be a sufficient discharge for the said apprentice against his or her master and mistress, their executors and administrators, the indentures of said apprentice or any law, custom or usage to the contrary notwithstanding. And if default shall be found to be in the apprentice, then the said chief justice and his assistants aforesaid shall and are hereby authorized to cause such due correction and punishment to be inflicted on the said apprentice, and to give such further order and direction concerning him or her, as by their wisdom and discretion shall be thought meet.

VII. *And be it further enacted* by the authority aforesaid, That in case any of the officers or other persons acting by and under the authority of this Act, shall be sued or prosecuted for any matter or thing by them done in execution thereof, it shall and may be lawful to and for such officer or other person to plead the general issue and to give this Act and the special matter in evidence; any law, custom or usage to the contrary in any wise notwithstanding.

VIII. *And be it further enacted* by the authority aforesaid, That this Act shall continue and be in force for the term of five years from and after the passing of the same, and from thence to the end of the next session of the General Assembly, and no longer.

WM. BULL, Jr., *Speaker.*

In the Council Chamber, the 28th day of February, 1740.

Assented to: WILLIAM BULL.

No. 666 *AN ACT* TO ENABLE CERTAIN COMMISSIONERS THEREIN NAMED, TO BORROW AND TAKE UPON LOAN A SUM NOT EXCEEDING TWO THOUSAND POUNDS STERLING, AND TO ENABLE CERTAIN OTHER COMMISSIONERS THEREIN NAMED, TO STAMP AND SIGN CERTAIN ORDERS, TO THE AMOUNT OF TWENTY-FIVE THOUSAND POUNDS, CURRENT MONEY OF THIS PROVINCE, FOR DEFRAYING THE EXPENCE OF CERTAIN SUCCOURS AND FORCES TO ASSIST GENERAL OGLETHORPE IN AN EXPEDITION AGAINST HIS MAJESTY'S ENEMYS AT AUGUSTINE AND OTHER PLACES IN FLORIDA, AND FOR THE BETTER PREVENTING OF MUTINY AND DESERTION.

FORASMUCH, as his Majesty's faithful subjects of this Province have for many years past been much annoyed by the Spaniards of Florida, by their encouraging thither the desertion of our slaves and there detaining

them, and by exciting them to rise here in rebellion, and to commit massacres and assassinations, and the burning of houses in divers parts of this Province, of which practices there have of late been many proofs, so that his Majesty's subjects are never like to be free from their horrible and mischievous endeavours, until an enemy so barbarous be removed: And forasmuch, as the Honourable General Oglethorpe, commander of his Majesty's forces in this Province and Georgia, is now forming an expedition with his Majesty's troops against the town and garrison of Augustine, and for the assisting of which the General Assembly of this Province have resolved succours not exceeding the sum of fifty thousand and five hundred pounds, being the utmost of their power to supply and provide for carrying on the said expedition: And inasmuch as the same cannot be effected in the present circumstances of this Province without a loan be supplied on the public credit, and that certain orders be stamped and emitted for defraying the expence of the said assistance: And forasmuch as the said General Oglethorpe has offered a loan of sterling money for the service of this government on the said expedition, at an interest of eight per centum, which is two per centum lower than the legal interest of this Province; we therefore humbly pray his most sacred Majesty that it may be enacted,

I. *And be it accordingly enacted*, by the Honourable William Bull, Esq., his Majesty's Lieutenant Governour, and Commander-in-chief in and over this Province, by and with the advice and consent of his Majesty's honourable Council and the Commons House of Assembly of this Province, and by the authority of the same, That the Honourable Edmund Atkin, Esq. and John Dart and Jacob Motte, Esqs. be commissioners, and be empowered and enabled, and the said Edmund Atkin, Esq. and John Dart and Jacob Motte, Esqs., or any two of them, are hereby empowered and enabled to borrow and take upon loan, for the use of the government of this Province, any sum or sums of money, not exceeding in the whole the sum of two thousand pounds sterling, from the said General Oglethorpe, his attorneys or agents, at an interest of eight per centum from the time of lending the same, for which the said commissioners are hereby directed and enabled to sign and execute one or more notes or acknowledgments for the sum or sums to them lent, of the following tenor, viz: "We, A B and C D, commissioners appointed by an Act of the General Assembly, empowering us to take upon loan any sum or sums not exceeding the sum of two thousand pounds sterling, towards defraying the expence of an expedition against the Spaniards at Florida, do acknowledge to have borrowed and received from General James Oglethorpe, for the use of the Government of the said Province for the said purpose, the sum of — pounds sterling, payable by the publick of the said Province to the said General James Oglethorpe, his assignee or order, with an interest of eight per cent. from the date hereof, as witness our hands at Charles-town, the — day of —, Anno Domini one thousand seven hundred and forty.

A B, C D."

II. *And be it further enacted* by the authority aforesaid, That the sterling sum or sums so borrowed by the said commissioners, shall by them be lodged with the publick treasurer; and the notes and acknowledgments so made and signed by the said commissioners, shall be deemed and taken to be a good, valid and firm security for the sum therein mentioned, to the said General James Oglethorpe, his assignee or order, and to whom the same shall be payable, and to his and their order, executors, administrators and assigns, and shall be deemed a debt due from the publick of this Province, and shall carry an interest of eight per cent. per

A. D. 1740.

Preamble.

Commissioners
nominated and
impowered to
borrow £2000
at 8 per cent.

Obligation for
the same to
General
Oglethorpe.

To be lodged
with the public
treasurer.

A. D. 1740.

To stamp and
sign orders to
the amount of
£25,000
currency.

annum from the date thereof, until the same be paid off and discharged : And forasmuch as it is necessary that certain orders, to the amount of the sum of twenty-five thousand pounds, current money of this Province, should with all convenient speed be stamped and signed for the further defraying the expence of the said expedition, which the following commissioners are hereby impowered and required without delay to get stamped, with some peculiar signatures and devices, such as the said commissioners shall think proper, and them to number and sign to the said amount of twenty-five thousand pounds current money, of two certain denominations, (that is to say) fifteen hundred and sixty-three orders of the denomination of eight pounds each, and three thousand one hundred and twenty-four other orders of the denomination of four pounds each, and of the following words and tenor, viz :

"SOUTH CAROLINA,

Number

Form of the
order.

"This order, for the term of four years, to commence from the date hereof, shall be a title to the bearer for the payment of — pounds, current money of this Province, and shall pass in discharge of taxes or dutys, and shall be received for that sum by the publick treasurer or collector of the publick taxes, and on account of any taxes or dutys whatsoever; dated the — day of —, in the thirteenth year of the reign of our sovereign Lord, King George the Second, Annoque Domini, 1740."

To be lodged
with the public
treasurer.

III. *And be it further enacted* by the authority aforesaid, That the said orders, when so stamped and prepared, shall be signed by each of the commissioners hereinafter named, with his name subscribed thereto, and shall be deemed to be orders for the payment of money; and after a deduction of so much as will defray the expence of stamping the same, shall all be immediately lodged with the publick treasurer by the said commissioners.

Commissioners
nominated to
stamp and
sign the orders.

IV. *And be it further enacted* by the authority aforesaid, That the honourable Edmund Atkin, Esq. and William Bull, jr. Robert Austin, Jordan Roche and Thomas Drayton, Esqrs. be and they are hereby appointed commissioners for the stamping, numbering and signing the said orders, out of which shall be paid to the publick treasurer, for his receiving the said sterling money and orders, and for issuing the same in manner hereinafter directed, the sum of two hundred pounds current money; and that there be paid out of the same to the commissary general, the sum of two hundred pounds like current money, in full for all his services in buying the provisions and other necessarys for the said expedition, and all other his trouble therein.

Compensation
to the public
treasurer.

Regimental
Commissary,
his pay.

V. And forasmuch as his Honor the Governour has appointed Thomas Wright, Esq. to be regimental commissary for the said expedition, who will be intitled to certain monthly pay for his service in the said post, *It is therefore hereby further enacted* by the authority aforesaid, That the said regimental commissary shall not be intitled to any other pay or commissions for his trouble, other than what is hereinafter mentioned.

His duty.

VI. *And be it further enacted* by the authority aforesaid, That the regimental commissary shall keep a muster roll of the several men to be employed in the said expedition in the publick service, and shall make out a certificate to be directed to the publick treasurer, for the pay due to the officers and men so to be employed in the service of this Province, which certificate shall be signed by the Colonel of the regiment, and countersigned by the regimental commissary, and shall be delivered to the persons respectively to whom the same shall be due; and the publick treasurer shall and is hereby required to pay to the possessors of such certificates,

the sums therein mentioned; and the regimental commissary shall be allowed the sum of three hundred pounds current money, over and above the pay hereinafter mentioned, as a full compensation for his trouble therein.

A. D. 1740.

VII. *And be it further enacted* by the authority aforesaid, That the pay of the officers commissioned for the said expedition shall commence from the respective dates of their commissions; and that the pay of all private men enlisted for the said expedition, shall commence on the respective days of their respective enlistments.

VIII. *And be it further enacted* by the authority aforesaid, That in case there should be any surplus remaining of the said sterling loan or of the said orders in the hands of the treasurer, not issued nor drawn for in manner aforesaid, after six months shall be elapsed from the passing of this Act, that then the said surplus shall not be drawn for nor issued by the treasurer, but by the special direction of the General Assembly, any thing herein before contained to the contrary notwithstanding.

In case of surplus.

IX. And whereas, it is proposed to raise in the general tax of the present year, the sum of four thousand and five hundred pounds, and in the general tax for the next year, the sum of five thousand pounds, so that there will only remain to be provided for by this Act, the sum of two thousand pounds sterling with the interest, and also the sum of twenty-five thousand pounds current money, for the sinking the said orders; therefore, for the more certain providing for the same, *It is hereby further enacted* by the authority aforesaid, That a yearly tax, amounting to the sum of ten thousand two hundred and fifty pounds current money, be annually imposed, levied and raised on the inhabitants of this Province, in the several and respective years of our Lord one thousand seven hundred and forty-one, one thousand seven hundred and forty-two, one thousand seven hundred and forty-three, and one thousand seven hundred and forty-four; which said yearly sums of ten thousand two hundred and fifty pounds shall be first applied in discharge of the said sterling loan, and the interest thereon due and accruing; and after discharge thereof, that then the remaining income of the said taxes shall be applied in sinking the said orders, which the publick treasurer of this Province is hereby directed and required to apply accordingly.

A yearly tax of £10,250.

Application.

X. And for the more equal levying and raising the said yearly taxes in the years aforementioned, severally and successively, *Be it further enacted* by the authority aforesaid, That the yearly sum of one thousand seven hundred and eight pounds six shillings and eight pence, being one sixth part of the said annual sum of ten thousand two hundred and fifty pounds, be imposed, levied and raised yearly and every year during the said term of four years before mentioned, on the owners of lands, lots, houses, tenements, negroes, stock and cash, within the parish of St. Philips Charlestown, (that is to say) the sum of three shillings per head on slaves, and of three shillings per hundred acres on land, and by an equal assessment on the stock and cash of the several inhabitants within the town plat of the said town; and that the other five-sixth parts, amounting yearly to the sum of eight thousand five hundred and forty-one pounds thirteen shillings and four pence, be imposed, levied and raised by a tax on the owners of lands and slaves, and store-keepers in the country, without the limits of the said parish of St. Philips Charlestown, (that is to say) by a tax of three shillings per hundred acres on the owners of lands, and of the sum of three shillings per head on all slaves, and one per cent. on the

Assessments for the yearly tax.

A. D. 1740.

store-keepers in the country, without the limits of the said parish of St. Philips Charlestown, yearly and every year, during the said term of four years above mentioned.

Case of a
full are general
tax Act.

Governor may
appoint inquir-
ers and collec-
tors, and times
of giving in an
account by
proclamation.

XI. And for the better collecting and raising the said sums of ten thousand two hundred and fifty pounds yearly and every year during the said term, *It is hereby further enacted* by the authority aforesaid, That in case a general tax Act should be passed at any time before the first day of May in the said years, or any of them respectively, that then all persons be liable to pay the taxes imposed by this Act to the collectors of the general taxes of that year, and at such times as shall be directed for the payment of the general taxes by the general tax Act of the said year, severally and respectively; and in case it should so happen that a general tax Act should fail of being passed in any of the said years one thousand seven hundred and forty-one, or one thousand seven hundred and forty-two, or one thousand seven hundred and forty-three, or of one thousand seven hundred and forty-four respectively, that then his honor the Governour or Commander-in-chief of this Province for the time being, in Council, be impowered, and the said Governour or Commander-in-chief for the time being is hereby authorized and in powered, to order by his proclamation, issued for that purpose, what persons shall be inquirers, assessors and collectors, for the parish of St. Philips, Charlestown, and who are to serve as collectors of the said taxes imposed by this Act in any of the said years respectively, for each country parish, and at what days and times the inhabitants in their respective parishes are to give in an account of their lands and slaves, and to pay their taxes to the collectors of each parish respectively, and at what times the collectors are to pay their respective collections into the hands of the public treasurer; of which proclamation, and of the days and times of payment therein ordered and directed, all persons are to take notice; and on failure of their giving in an account and paying their several and respective taxes imposed by this Act to the collectors appointed by such proclamation, and at the days and times therein directed, they are to be deemed defaulters and liable to pay double taxes.

Power of the
officers appoin-
ted under this
Act.

Liabilities as in
the last general
tax Act.

In case the
assessment
shall produce
more than the
estimated
amount, or
shall fall short
thereof.

XII. *And be it further enacted* by the authority aforesaid, That the publick treasurer for the time being, and the collectors and assessors for the time being, so appointed by proclamation in manner aforesaid, shall be and they are hereby invested with all the powers and authorities for the raising and levying the several taxes imposed by this Act (and after such days shall be elapsed as by the said proclamation shall be ordered for paying the same) as the said treasurer or the collectors and assessors of any former general taxes might have, use, or exercise for the levying of any general taxes, by virtue of any former general tax Act, and shall be liable to all the penaltys and forfeitures as the collectors and inquirers of the last preceding general tax is made liable by the directions of the tax Act; any law, usage or custom to the contrary notwithstanding.

XIII. *And be it further enacted* by the authority aforesaid, That if the said three shillings per head on slaves, and three shillings per hundred acres on land, and one per cent. on store-keepers in the country, should exceed in any one year the said sum of eight thousand five hundred and forty-one pounds thirteen shillings and four pence, being the proportion hereby imposed as the country tax, that all such surplus shall be applied in ease of the next general tax to be levied on the country; and should it in any year fall short of the said sum of eight thousand five hundred and forty-one pounds thirteen shillings and four pence, as the country annual share of the tax hereby imposed, such deficiency shall be supplied by the next general tax to be imposed on the country.

XIV. *And be it further enacted* by the authority aforesaid, That the said General Oglethorpe, on furnishing the said sum of two thousand pounds sterling money, to the commissioners herein before named, and his executors, administrators or assigns, shall be at liberty in any year of the said four next ensuing years, to draw upon the public treasurer, payable at any time after the first day of August, in any of the said four years, for any part of the said sum of two thousand pounds sterling money so advanced, not exceeding in one year the sum of one thousand pounds sterling and the interest of eight per cent. then due on the said loan, which sum, not exceeding in one year the said sum of one thousand pounds sterling and the interest of the said loan, the said treasurer, out of the taxes hereby imposed and then raised, is hereby required and directed to pay in Sola bills of exchange or other bills of exchange that will produce sterling money in Great Britain; and in case the said sum of one thousand pounds sterling shall not be drawn for on the public treasurer, to be made payable after the said first day of August and before the first day of September then next ensuing, in any of the said four ensuing years, so that the same shall be ready in the hands of the treasurer, the interest for the said sum of one thousand pounds sterling, after the said first day of September, so lying ready in the hands of the treasurer, shall thenceforth absolutely yearly cease, and be no charge to the publick of this Province, any thing herein before contained to the contrary notwithstanding.

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Gen. Oglethorpe or his legal representatives may draw on the public treasurer as herein directed.

XV. *And be it further enacted* by the authority aforesaid, That whatever sum or sums of money shall in any of the said ensuing four years be provided for by the annual general tax, and which shall be over and above what is necessary to pay off the said annual sum of one thousand pounds sterling, part of the said loan, and also the interest due on the said loan, and after the said loan is fully paid off and discharged, that then all such sums in any year provided by the tax hereby imposed shall be applied to sink the said orders; and the said publick treasurer is hereby required to cross and file so much of the said orders as he shall be enabled yearly to do by each year's tax hereby imposed, after the said sterling loan and interest is yearly provided for in manner herein before directed; and the said orders so crossed and filed shall not be reissued on any pretence whatever, but shall be burnt to ashes in the presence of a committee of both houses of the General Assembly.

Application of the assessment.

Orders paid and returned to the public treasurer to be crossed, filed and burnt.

XVI. *And be it further enacted* by the authority aforesaid, That if any person shall be guilty of forging or counterfeiting, or assisting in the forging or counterfeiting any of the said orders by this Act directed to be stamped, signed and issued, or shall be guilty of uttering any false or counterfeit orders in similitude of them knowing the same to be false, every such person so offending and convicted thereof, shall be deemed guilty of felony without benefit of clergy, and shall suffer death as a felon.

Penalty for counterfeiting orders.

XVII. And that it may be known upon what establishment the present expedition is to be carried on, *It is hereby further enacted* by the authority aforesaid, That there shall be satisfied and paid out of the said sterling loan and the said orders to be provided and emitted by virtue of this Act, the following rates and allowances, viz: to the Colonel of the regiment of foot, per month, one hundred and fifty pounds; to the lieutenant colonel, per month, one hundred pounds; to the major, per month, eighty pounds; to the commissary, per month, forty-five pounds; to the commissary's clerk, twenty-five pounds; five captains, at fifty pounds per month, each; eight lieutenants at thirty pounds per

Application of the loan of 2000l. sterling.

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month, each; eight ensigns, at twenty-five pounds per month, each; one adjutant, at thirty pounds per month; sixteen serjeants, at fifteen pounds per month; sixteen corporals, at thirteen pounds per month, each; eight drums, at thirteen pounds per month, each; three hundred and sixty private men, at twelve pounds per month, each; one captain of the troop of rangers, at sixty pounds per month; one lieutenant at thirty-five pounds per month; one quarter-master at twenty pounds per month; one drum or trumpet, at sixteen pounds per month; thirty-six private men at sixteen pounds per month, each; one surgeon at fifty pounds per month; two surgeons' mates, at thirty pounds per month each.

XVIII. *And be it further enacted*, That his honour the Lieutenant Governor or the Commander-in-chief for the time being, by and with the advice and consent of his Majesty's Honourable Council, be, and he is hereby empowered to appropriate the residue of the aforesaid sum of fifty thousand five hundred pounds, to the providing proper vessels for transportation and provisions, ammunition, presents for Indians, and all other necessities for the use of the expedition aforesaid, in such manner as shall appear to them to be most proper to carry on the same, and to tend most to the success thereof; provided always, that if any of the said provisions, ammunition, presents for Indians, or other necessities for the use of the said expedition, shall remain at the end of the said expedition unexpended, the same shall be disposed of by the commissary general, and the moneys thereby arising shall be paid by him into the hands of the publick treasurer, towards discharging the debt incurred by the said expedition.

XIX. And forasmuch as it is necessary for the retaining such soldiers to their duty who shall be in the pay of this Government, for and during the said expedition, and that an exact discipline should be observed, and that such soldiers who shall mutiny or stir up sedition, or shall desert his Majesty's service within this Province, or that of Georgia or Florida, or within any of the islands, waters, creeks or passages in or near the same, or any of them, be brought to a more speedy and exemplary punishment than the usual forms of law will allow, *Be it therefore further enacted* by the authority aforesaid, That at any time or times within the term of four months from and after the passing of this Act, every person, officer or soldier, who shall be commissioned or enlisted and in the pay of this Government, in the regiment of foot or troop of rangers commanded by Colonel Alexander Vander Dussen, who within this Province, or that of Georgia or Florida, or within any of the islands, waters, creeks or passages in or near the same, or any of them, shall excite, cause or join in any mutiny or sedition in the army, or shall desert or cowardly decline his Majesty's service in the said army, at any time or times during the said term of four months from and after the passing of this Act, every person so offending shall suffer death or such other punishment as by the court martial herein after directed shall be ordered; and for any disobedience, the punishment of whipping, as the said court martial shall order; any law, usage or custom to the contrary notwithstanding.

XX. *And be it further enacted* by the authority aforesaid, That the said Alexander Vander Dussen, Esq., colonel of the said regiment of foot, in the pay of this Government, or the commander of the said regiment for the time being, during the said term of four months from and after the passing of this Act, may, and he is hereby declared to have full power and authority from time to time, for and during the said term of four months, to call and assemble the officers of the said regiment for the holding of a court martial, which said court shall not consist of a less number than thirteen commission officers of the said regiment, which court shall have

Cases of mutiny punishable by court martial.

To be called by the commander of the regiment.

full power to try, determine and pass sentence of death or other punishment against any offenders guilty of the offences afore mentioned ; provided nevertheless, that where sentence of death shall be given against any offender by the said court martial, a report shall be made thereof to the general of the said army, who shall and he is hereby declared to have full power to suspend or respite the execution of the said sentence, or to order the same to be executed, as he shall see proper ; and provided always, that in all such tryals every officer present at such trial, before any proceeding be had thereon, shall take an oath on the holy evangelists before the court, in these words, that is to say, " I will well and truly try and determine according to evidence in the matter now before me, between our sovereign Lord the King and the prisoner to be tried : So help me God." A. D. 1740.

XXI. *And it is hereby further enacted and provided,* That no sentence of death or other severe punishment shall be given against any offender by any court martial, unless a majority of the said officers present at the said court concur therein, which majority are not to be less than nine, and that no proceeding, trial or sentence shall be had or given against any offender but between the hours of eight in the morning and one in the afternoon : any law, usage or custom to the contrary notwithstanding. All punishments to be sanctioned by a majority of the officers present at the court martial.

XXII. *And be it further enacted* by the authority aforesaid, That no person (officers excepted) who shall be enlisted to serve in the said expedition, shall during the continuance of the said term of four months be arrested or held to bail in any action or suit where the debt or sum is under fifty pounds currency of this Province ; and that if any such person shall be arrested or held to bail within the said term, such arrest and the proceedings thereupon shall be set aside, and the defendant and defendants thereupon be discharged ; any law, usage or custom to the contrary thereof in any wise notwithstanding. Soldiers enlisted not to be held to bail under 50l. currency.

XXIII. *And for the further encouragement of men to enter voluntarily into the said service, Be it further enacted* by the authority aforesaid, That any poor person who shall behave manfully in fight against the enemy in the said expedition, and shall happen to be killed, maimed or disabled from labour, every such person, their wives or children respectively, shall be intitled unto and have and receive the same bountys, and in the same way and manner as are mentioned for cases of a like sort in and by an Act of the General Assembly of this Province, passed the eighteenth day of September, one thousand seven hundred and thirty-eight, intituled an Act for the further and better defence of this Province. Poor persons killed in battle.

C. PINCKNEY, *Speaker.*

In the Council Chamber, the 5th day of April, 1740.

Assented to : WILLIAM BULL.

A. D. 1740.

No. 667. AN ACT TO PREVENT THE DELAY OF JUSTICE BY THE NON APPEARANCE OF GRAND AND PETIT JURORS AT THE COURTS OF GENERAL SESSIONS OF THE PEACE, OYER AND TERMINER, ASSIZE AND GENERAL GOAL DELIVERY, HEREAFTER TO BE HOLDEN IN THIS PROVINCE, AND TO ENABLE THE SAID COURTS TO PROCEED UPON BUSINESS IN THE ABSENCE OF THE CHIEF JUSTICE, AND FOR THE BETTER APPOINTMENT OF CONSTABLES IN THIS PROVINCE.

Preamble.

WHEREAS, great inconveniencies and delay of justice has heretofore arisen by persons neglecting to appear as grand jurors at the courts of general sessions of the peace, oyer and terminer, assize and general goal delivery, established in this Province; and whereas, the said inconveniencies, in a great measure, have arisen by the smallness of the fine, of forty shillings proclamation money, heretofore imposed by law on such jurors as should not appear pursuant to their summons, or who after appearance should refuse to act as jurors at the courts aforesaid; for the preventing the like inconveniencies for the future, we humbly pray his most sacred Majesty that it may be enacted,

Persons summoned as grand jurors not appearing or refusing to act, shall forfeit not less than £5, nor more than £10 proc. money.

I. *And be it therefore enacted*, by the Honourable William Bull, Esquire, Lieutenant Governour and Commander-in-chief of this his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council and the Commons House of Assembly, and by the authority of the same, That if any person shall be drawn, summoned and returned to serve as a grand juror at any court of general sessions of the peace, oyer and terminer, assize and general goal delivery, hereafter to be holden in this Province, shall not appear, or after appearance refuse to act, or that shall absent himself without leave of the court, that then and in every such case or cases, it shall and may be lawful for the said court of general sessions of the peace, oyer and terminer, assize and general goal delivery, to fine such person in any sum not less than five pounds proclamation money, and not above ten pounds proclamation money.

Petit jurors not appearing shall forfeit £5.

II. *And be it also further enacted* by the authority aforesaid, That if any person who shall be drawn, impannelled, summoned and returned to serve as a petit juror, at any of the courts of general sessions of the peace, oyer and terminer, assize and general goal delivery, hereafter to be holden in this Province, shall not appear, or after appearance refuse to act, or who shall absent himself without leave of the said court, that then and in such case the said court may lawfully fine such person in the sum of five pounds proclamation money, unless such person or persons can shew good and sufficient excuse, before the breaking up of the said court, which said excuse shall be upon oath, and to the satisfaction of the said court: Provided, that all such person or persons that shall be defaulters as aforesaid shall have till the Monday next before the court of the common pleas, to be holden then next after such court of general sessions of the peace, oyer and terminer, assize and general goal delivery, to make such excuse to the judges of the said court, which court is hereby impowered to adjourn to that day,

Unless they make good excuse.

Clerk of the Sessions to advertise defaulters.

III. And that all defaulters may have due notice of the fines intended to be laid on them, *Be it further enacted* by the authority aforesaid, That the clerk of the crown and peace shall be and he is hereby directed and required to cause a list of the names of all such jurors as shall be defaulters

at any court of general sessions of the peace, oyer and terminer, assize and general delivery, that shall hereafter be holden in this Province, to be inserted in the Gazette, within ten days after such defaulter shall be noted for non appearance.

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IV. And whereas, by an Act passed on the twentieth day of August, in the year of our Lord one thousand seven hundred and thirty-one, all constables throughout this Province are to be appointed by the court of general sessions; and whereas, it may be necessary in case of the death or removal of any constable out of the parish or district for which he may be appointed, to appoint another constable or constables in his or their room, as well in the vacation time as at the time of sitting of the said court; *Be it further enacted* by the authority aforesaid, That it shall and may be lawful for the said court, or the chief justice and any two of the justices of the court, in case of death or removal of any constable out of his parish or district for which he shall be appointed, to appoint another in his room, either at the sitting of the said court or in the vacation time, as the case shall require; and in case any person so to be appointed as aforesaid, either by virtue of the afore recited Act or this Act, shall neglect or refuse to act or take upon himself the office of constable, every person so offending shall, on due conviction, forfeit the sum of ten pounds proclamation money, one half of which forfeiture shall be to the use of his Majesty, to be applied by the General Assembly of this Province, and the other half to him or them who will prosecute and sue for the same.

How constables are to be appointed.

Penalty on refusing to act.

V. And to the intent that no person may be ignorant of the fines hereby imposed in such cases, *It is therefore hereby enacted*, That the provost marshal of this Province shall give notice in writing to all persons hereafter to be summoned as grand jurors, that they do attend at the court for which they shall be respectively summoned, under the pain of forfeiting the sum of ten pounds proclamation money, and to the petit jurors that they attend, under pain of forfeiting five pounds proclamation money.

The provost marshal to give notice to persons summoned and persons fined. (By Act of 1769, the sheriff is to do this.)

VI. And whereas, it may happen that the chief justice of this Province by reason of sickness, absence or death, cannot attend the said court of general sessions of the peace, oyer and terminer, assize and general gaol delivery, whereby all business then depending may in such case be impeded; *Be it therefore enacted* by the authority aforesaid, That it shall and may be lawful for a majority of the assistant justices for the time being, in case of sickness, absence or death of the chief justice, to proceed on, hear, try and determine all causes and offences, capital and criminal, which lawfully could or might have been brought before or tried, heard and examined or determined by the said court, as fully and absolutely, to all intents and purposes, as if the chief justice of this Province had presided and been present in the said court, any law or custom to the contrary thereof notwithstanding.

Altered by Act of 1789.

VII. *And be it further enacted* by the authority aforesaid, That all the fines imposed by this Act shall be to the use of his Majesty, to be appropriated and applied by the General Assembly, and shall be paid into the hands of the publick treasurer of this Province for the time being, for that purpose.

How fines are to be disposed of.

C. PINCKNEY, *Speaker*.*In the Council Chamber, the 5th day of April, 1740.**Assented to:* WM. BULL.

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No. 668. AN ACT for making more useful Fort Johnson and Fort Frederick, and the several Look-outs that now or hereafter shall be kept or established near any of the Inlets of this Province.

(Passed April 5, 1740. The original not now to be found.)

No. 669. AN ACT FOR THE BETTER STRENGTHENING OF THIS PROVINCE, BY GRANTING TO HIS MAJESTY CERTAIN TAXES AND IMPOSITIONS ON THE PURCHASERS OF NEGROES IMPORTED, AND FOR APPROPRIATING THE SAME TO THE USES THEREIN MENTIONED, AND FOR GRANTING TO HIS MAJESTY A DUTY AND IMPOSITION ON LIQUORS AND OTHER GOODS AND MERCHANTIZES, FOR THE USE OF THE PUBLICK OF THIS PROVINCE.

Preamble.

WHEREAS, the great importation of negroes from the coast of Africa, who are generally of a barbarous and savage disposition, may hereafter prove of very dangerous consequence to the peace and safety of this Province, and which we have now more reason to be apprehensive of from the late rising in rebellion of a great number of the negroes lately imported into this Province from the coast of Africa, in the thickest settlements of this Province, and barbarously murdering upwards of twenty persons of his Majesty's faithful subjects of this Province, within about twenty miles from the capital of this Province; and whereas, the best way to prevent those fatal mischiefs for the future, will be to establish a method by which the importation of negroes into this Province should be made a necessary means of introducing a proportionable number of white inhabitants into the same; and whereas, in order to effect this good purpose, it is fit and necessary that a sufficient fund should be appropriated by the laws of this Province for the better settling the frontiers, and also the several townships laid out in this Province, pursuant to his Majesty's royal instructions, and which, unless it be speedily effected, the settlement of the said townships and other frontier parts of this Province will be very greatly hindered, if not entirely obstructed; and whereas, his most sacred Majesty, by the one hundred and fourteenth article of his royal instructions to his Excellency Robert Johnson, Esq, late Governour of this Province, reciting that whereas several merchants of Great Britain, trading to South Carolina, have complained that by certain Acts of Assembly now in force in the said Province, duties are imposed on negroes imported there, and made payable by the importer, and have desired that the said duties may for the future be made payable by the purchasers, and not by the importer, submitting nevertheless, that the importer or his factor shall be security to the publick for the payment of the said duty, in case of the purchaser's failure,—it was, by the said instruction, declared to be his Majesty's will and pleasure that his said Excellency should endeavour to get a law passed for explaining and altering the laws for collecting the said duties on negroes, agreeable to the desire of the said merchants: For the complying therefore with his Majesty's royal will and pleasure, and for the effectual raising and appropriating a sufficient fund for the better settling his Majesty's townships and the other frontier parts of this Province with white inhabitants, by which we may be the better enabled to suppress any future insurrection of negroes and slaves, and to

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repel any attempts of his Majesty's enemies against the peace of this Province, and may also have a fund for discharging such other demands as may be made for the necessary security thereof; We, his Majesty's faithful and loyal subjects, the Commons House of Assembly, now met in General Assembly, do cheerfully and unanimously give and grant unto his most sacred Majesty, his heirs and successors, the several taxes, aids and impositions, hereinafter mentioned, for the uses, and to be raised, appropriated, paid and applied, as is hereinafter directed, and do humbly pray that it may be enacted,

I. *And be it enacted*, by the Honourable William Bull, Esquire, Lieutenant Governour and Commander-in-chief, in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council and the Commons House of Assembly of this Province, and by the authority of the same, That from and immediately after the passing of this Act until the end and term of fifteen months then next ensuing, and from and immediately after the expiration of the term of four years and three months next ensuing the passing of this Act, there shall be imposed and paid by all and every the inhabitants of this Province and other person and persons whomsoever, first purchasing any negro or other slave within the same which hath not been the space of six months within this Province, a certain tax or sum of ten pounds current money for every such negro and other slave of the height of four feet and two inches and upwards; and for every one under that height, and above three feet two inches, the sum of five pounds like money; and for all under three feet two inches, (sucking children excepted) two pounds ten shillings like money, which every such inhabitant of this Province and other person and persons whomsoever shall so buy or purchase as aforesaid: And that immediately from and after the expiration of the said term of fifteen months next after the passing of this Act, for and during the term of three years thence next ensuing, and no longer, there shall be imposed on and paid by all and every the inhabitants of this Province and other person and persons whosoever first purchasing any negro or other slave within the same, which hath not been the space of six months in this Province, a certain tax or sum of one hundred pounds current money for every such negro and other slave of the height of four feet and two inches and upwards; and for every one under that height, and above three feet two inches, the sum of fifty pounds like money; and for all under three feet two inches, (sucking children excepted) the sum of twenty-five pounds like money; which said sums of ten pounds, five pounds, two pounds ten shillings, and one hundred pounds, fifty pounds, and twenty-five pounds, current money, respectively, shall be paid by such purchaser for every such slave, at the time of his, her or their purchasing the same, to the publick treasurer of this Province for the time being, for the uses hereinafter mentioned, set down and appointed, under the pain of forfeiting all and every such negroes and slaves for which the said taxes or impositions shall not be paid, pursuant to the directions of this Act; the one half to his Majesty, his heirs and successors, for the uses hereinafter mentioned, and the other half to him or them that will seize, sue and inform for the same, by any action, bill, plaint or information, in any court of record in this Province, wherein no essoign, protection or wager of law shall be admitted or allowed; any law, usage or custom to the contrary thereof in any wise notwithstanding.

II. *And be it further enacted* by the authority aforesaid, That the better to secure, collect and gather in the said taxes from the said persons so first purchasing any such negroes or other slaves as aforesaid, all and

Tax imposed
on the purchase
of negroes,
according to
their height.

Times and con-
tinuance of the
tax.

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Notice of sales of negroes to be given in writing, under penalty of £100.

every person and persons whatsoever in this Province, who from and immediately after the passing of this Act, shall import into this Province, or shall have any negroes or other slaves to sell or dispose of, either in their own right or in the right of any other person or persons, which negroes or slaves shall have not been the space of six months in this Province, every such importer or other person and persons, shall before he or they shall sell or dispose of such negroes or slaves, or any part thereof, give notice in writing under his hand, of such intended sale or disposal, to the country waiter for the time being, that is to say, of the time when, the place where, and the number and quantity of such negroes and slaves so intended to be sold or disposed of, under the penalty of forfeiting the sum of one hundred pounds current money for every slave such person or persons shall sell or otherwise dispose of, for any term or time whatever before such notice given as aforesaid; the one half to his Majesty for the uses hereinafter mentioned, and the other to him or them who will sue or inform for the same, to be recovered as aforesaid.

Persons purchasing negroes shall pay the duty and take a receipt from the public treasurer before the negroes are removed.

III. And whereas, by reason of the length of time that by the Act for granting to his Majesty a duty and imposition on negroes, liquors and other goods and merchandizes, for the use of the publick of this Province, was given to the merchants and factors for paying unto the publick treasurer the duty imposed by that Act on the importation of negroes, it hath sometimes happened that divers poor protestants who have arrived in this Province, as well before the importation of such negroes as between the days of such importation and the days of payment of the said dutys arising by reason of such importation, have been disappointed, and not met with that speedy supply or been so soon settled as the exigency of their case did require, or as they otherwise would have been had such dutys been payable instantly, on such importations, which hath proved of great discouragement to the poor protestants coming to this Province, and of manifest detriment to the speedy settlement of the said townships: For prevention therefore of the like mischiefs for the future, and that the treasury may be supplied with present provision for the relief and subsistence of poor protestants, *Be it enacted* by the authority aforesaid, That all and every person and persons who shall first buy or purchase any negroes or other slaves as aforesaid, shall and they are hereby obliged to pay the said taxes of ten pounds, five pounds, two pounds ten shillings, and one hundred pounds, fifty pounds and twenty-five pounds, current money, as the case shall require, for every such negro and other slave they shall so buy or purchase as aforesaid, to the publick treasurer, before he or they remove the said slave or slaves, or cause the same to be removed from the place where he shall buy or purchase the same, and shall take a receipt or certificate for the same from the said treasurer, (which he is hereby required to give without fee or reward) and the said receipt or certificate shall be directed to the country waiter or waiters for the time being, and shall particularly mention the sum paid and the number of slaves for which the same was paid, and shall be a permit to the said waiter or waiters to suffer such person so obtaining the same, to remove and carry away the slaves therein mentioned; and such waiter and waiters is and are hereby directed and required to make a regular entry of every such receipt or certificate in a book to be fairly kept by him or them for that purpose, and duly to file the original.

The country waiter to make entry thereof.

IV. *And be it further enacted* by the authority aforesaid, That the said country waiter or waiters, and the waiter or waiters for the time being, is and are hereby authorized, impowered and required, upon having notice or information of any such sale or intended sale of any negroes or

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other slaves as aforesaid, to give diligent and constant attendance at the place and places of such sale, and in case he or they shall find that any person or persons shall have purchased or bought any negro or other slave as aforesaid, or shall attempt to remove or carry away any such negro or slave without first having paid the said respective tax and obtained a receipt or certificate as aforesaid, and producing the same to the said waiter or waiters, that then it shall and may be lawful to and for such waiter or waiters, and he and they is and are hereby impowered to seize and take all and every such negroes and other slaves as aforesaid, and the said negroes and slaves so seized as aforesaid, are hereby declared forfeited to all intents and purposes whatsoever; and if the said negroes or slaves cannot be found, then the purchaser shall forfeit the value of them, the one moiety to his Majesty for the uses hereinafter mentioned, the other moiety to the said waiter or waiters, to be recovered as aforesaid: Provided always, that if any person or persons who shall hereafter import any negroes or slaves into this Province, shall before the landing thereof give sufficient security by bond, made payable to his Majesty for the uses mentioned in this Act, to the satisfaction of the publick treasurer, to pay on behalf of the several purchasers the tax or imposition hereby laid and imposed on such negroes or slaves, within three months after the entry of the same, it shall and may be lawful for the said publick treasurer to give a permit for the landing such negroes or slaves, and in such case the waiter or waiters before mentioned, shall be freed and discharged from attending on the sale of such negroes or slaves.

Country waiters being notified of a sale of negroes to give attendance thereat, and seize negroes that have not paid the tax, as forfeited.

Importers of negroes shall give bond to pay the tax within three months.

V. *And be it further enacted* by the authority aforesaid, That every person and persons whatsoever, who from and immediately after the passing of this Act, shall import into this Province any negroes or other slaves, or their factors or agents to whom the same shall be consigned, shall be and they are hereby obliged and required, within forty-eight hours after such importation, to make an entry of all and every such negroes and slaves upon oath, in the office of the publick treasurer of this Province for the time being, upon pain of forfeiting the sum of one hundred pounds current money, for every such negro and other slave that shall be so imported, and of which no such entry shall be made as aforesaid within the time aforesaid, to be recovered as aforesaid; and all such negroes and other slaves imported as aforesaid, and which shall be landed or attempted to be landed as aforesaid, in any part of this Province before such entry made as aforesaid, shall and are hereby declared to be forfeited, the one half to his Majesty for the uses hereinafter mentioned, and the other half to him or them who will seize and sue, or inform for the same, to be recovered as aforesaid.

Return on oath to be made of every importation of negroes within 48 hours.

If landed without notice, to be forfeited.

VI. *And be it further enacted* by the authority aforesaid, That out of the said tax or duty on negroes and slaves, paid or to be paid by or on behalf of the purchaser as aforesaid, by virtue of this Act, shall be yearly applied during the continuance of this Act, two-third parts (the whole into three equal parts to be divided) of the net sum arising by the tax on the purchase of negroes as aforesaid, for defraying the charge of transportation or carriage of poor protestants from Charlestown to the townships or other place where they shall settle by the direction hereafter mentioned, and for purchasing tools necessary for planting and settling, and provisions for one year for each of such poor protestants, (not being upwards of fifty years of age) and also for purchasing one cow and calf over and besides such provisions, for every five persons who shall actually become settlers in any of his Majesty's townships laid out in this Province, or in any other of the frontier places of this Province, in which such poor

Objects of appropriation.

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protestants shall be from time to time directed to settle by the Governour or Commander-in-chief for the time being, by and with the advice and consent of his Majesty's Honourable Council, and to no other use or purpose whatever; and which said two third parts of the said net tax shall be paid and applied to the said uses of poor protestants as aforesaid, by the public treasurer, by draughts made for the same by the Governour and majority of his Majesty's Honourable Council for the time being, which said draughts shall be made on the public treasurer, payable to the commissary general, for the purposes aforesaid and not otherwise.

Surplus as directed by the General Assembly.

VII. *And be it further enacted* by the authority aforesaid, That all the residue and remainder of the money arising by the said tax, (after the charge of receiving and collecting the same are deducted) to be paid on purchasing negroes and slaves as aforesaid, and also that part of the said forfeitures arising by virtue of this Act, which are not hereinbefore particularly appropriated, shall from time to time be paid and applied as shall from time to time be directed by the General Assembly of this Province, and not otherwise.

Allowance to the public treasurer.

VIII. *And be it further enacted* by the authority aforesaid, That there shall be allowed and paid out of the moneys arising by the tax hereby laid on negroes to Gabriel Manigault, Esq., public treasurer, or to the public treasurer of this Province for the time being, the sum of two and an half per centum on the moneys received by him for such tax, and likewise the sum of two and a half per centum on all payments to be made by him out of the same, in pursuance of the directions of this Act, which shall be so allowed and paid to the said public treasurer in lieu and full satisfaction for all his services to be done herein; and that John

Allowance to the commissary general.

Dart, Esq. commissary general, or the commissary general for the time being, shall be paid out of the moneys arising by virtue of this Act on the tax of negroes, the sum of six hundred pounds current money, per annum, for and during the term of fifteen months from the passing of this Act, and after that time, then the sum of two and an half per cent. on the moneys by him received and paid away, in full satisfaction for all his services to be done in pursuance of the direction of this Act; and that there shall be also allowed and paid out of the money arising on the said tax on negroes, to the person or persons who shall be from time to time appointed waiter or waiters by the General Assembly, pursuant to the laws in such case made and provided, the sum of two shillings current money, to be divided equally between them, for every negro which shall hereafter be sold as is directed by this Act, in lieu and full satisfaction for their trouble and attendance at the sale of negroes as is hereinbefore directed.

Allowance to the waiters.

Duty of the waiters.

IX. *And be it further enacted* by the authority aforesaid, That the country waiter, Mr. John Ballentine, and the waiter for the time being, and the assistant waiters or one of them, shall, and they are hereby required on notice to be given them as aforesaid of the intended sale of any negroes where security is not given as aforesaid, to give constant and due attendance at the place and places of such sale, and there remain and continue during the time thereof, under the pain of forfeiting the sum of fifty pounds current money each, for every sale at which one of the said waiters shall not give attendance as aforesaid, the one half to his Majesty for the use of the said poor protestants and the other half to him or them that will inform or sue for the same, to be recovered in any court of record in this Province by action of debt, bill, plaint or information.

Penalty on neglect of duty.

Doubts as to the height of negroes how to be settled.

X. *And be it further enacted* by the authority aforesaid, That in case any dispute shall arise between the purchaser or importer of any negro

as aforesaid, and the said waiter or waiters, concerning the height of any such negroes, the said purchaser and waiter shall name two justices of the peace who shall judge of the height of such negroes, and the determination of such justices therein shall be final.

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XI. *And be it further enacted* by the authority aforesaid, That one receiver and one waiter shall be appointed by the General Assembly as aforesaid for the port of Georgetown Winyaw, and that one receiver and one waiter shall be in like manner appointed for the port of Beaufort, Port Royal, in Granville county; and the said receivers and waiters for the time being, severally and respectively, are hereby invested with all the same powers and authorities as to the receiving and collecting the said tax arising on the purchasing of negroes in the said ports respectively, as the public treasurer and waiter have for the due execution of this Act in Charlestown or the port thereof; and the said receivers for the time being in the said ports of Georgetown Winyaw and Beaufort, Port Royal, respectively, shall and they are hereby required within thirty days after their receiving any taxes arising by virtue of this Act, to remit the same to the public treasurer in Charlestown, and shall be allowed and paid for so doing the sum of two and a half per centum on all the moneys by them to be received as aforesaid, in full recompence for receiving and transmitting the same to the public treasurer as aforesaid; and the said waiters for the time being in the said ports respectively, shall be allowed and paid the sum of two shillings for each negro which shall be brought as aforesaid in the said ports respectively, where their attendance is required, and for receiving which tax by the public treasurer from the said receivers no commissions shall be paid or allowed.

Receivers and
waiters
appointed.

Compensation.

XII. *And be it further enacted* by the authority aforesaid, That all such slaves for which the tax imposed on importation as aforesaid hath been paid, and which shall be again exported from this Province in six months from the day of the entry of such slave or slaves as aforesaid, the exporter thereof shall be intitled to three fourth parts of the moneys paid on the importation and purchase of such slave or slaves, and the public treasurer is hereby required to pay the same to such exporter.

Allowance in
case of re-ex-
portation.

XIII. *And be it further enacted* by the authority aforesaid, That in case any person shall import or bring into this Province any slave or slaves by land or water, such slave or slaves is and are hereby declared to be liable to the tax hereby imposed on slaves purchased as aforesaid, to be paid by the person and persons importing the same into this Province, in case such slave or slaves shall not be sold, and for default of payment thereof, shall be seized and forfeited, and disposed of in the same manner as is herein before directed in the case of slaves purchased in this Province and for which the respective taxes shall not be paid as is before directed.

Slaves import-
ed by land.

XIV. *And be it further enacted* by the authority aforesaid, That every person or persons who after the passing of this Act shall purchase any slave or slaves which shall be imported or brought into this Province either by land or water from any of his Majesty's colonies or plantations in America, and who have been in any such Colony or plantation for the space of six months, and if such slave or slaves have not been six months in such colony or plantation, the importer shall be obliged to make oath or produce a proper certificate thereof or otherwise, every such importer shall pay a further tax or imposition of fifty pounds over and besides the tax or imposition hereby before imposed, for every such slave which he or they shall purchase as aforesaid; provided that nothing herein contained shall be construed to extend to any person coming from any of the

Slaves import-
ed by land or
water to be
taxed 50l.
additional.

A. D. 1740. said colonies or plantations with their slaves actually to settle and reside in this Province.

General appropriation of taxes on taxable articles.

Enumeration of articles and the duty on them.

XV. And whereas, the laws heretofore made for the laying and continuing certain duties and impositions on certain liquors, spirits and divers other goods and commoditys, are now near an expiration, so that a fund would soon be wanting to supply the uses which any of the said dutys now are or may be appropriated; to the intent therefore, that the same, as well as other necessary charges of this government, may not be disappointed for want of a supply being raised by the income of such dutys as is consistent with the power and prudence of this Government to lay and impose, *Be it enacted* by the authority aforesaid, That immediately from and after the passing of this Act all and every the rates, dutys and impositions hereinafter mentioned, shall be laid, imposed and paid for all liquors, spirits, goods, wares and merchandizes hereinafter specified and enumerated, for the use of his Majesty, to be applied and appropriated to such uses and purposes as by this Act or any other Act of the General Assembly of this Province now, is or shall hereafter be directed and appointed, and to no other use or purpose whatsoever, that is to say, on every pipe of Madeira wine imported, four pounds; every pipe of Fyal or Canary wine, ten pounds; every pipe of Vidonia wine, ten pounds; every gallon of rum, four pence; every barrel of beer, ten shillings; every barrel of cyder from the Northern Colonys, five shillings; every gallon of molasses, three pence; every gallon of limejuice, one shilling; every gallon of brandy or other spirits, (rum excepted,) two shillings; every hundred weight of brown or Muscavado sugar, two shillings and six pence; every hundred weight of clayed sugar, five shillings; every pound of refined sugar, (imported from any of the plantations in America,) three pence; every hundred weight of cocoa, forty shillings; every pound of chocolate made up, one shilling; every pound weight of tobacco from the plantations, three pence; every hundred weight of butter from the plantations, twenty shillings; every barrel of pork, forty shillings; every barrel of beef, ten shillings; every hundred weight of brown or ship biscuit, two shillings and six pence; every hundred weight of midling biscuit, three shillings and nine pence; every hundred weight of white biscuit, five shillings; every half barrel of flour, five shillings, and so in proportion for whole barrels or quarter barrels; every hundred weight of hams and bacon, thirty shillings; every hundred weight of soap, twenty shillings; on timber, plank, boards, staves, shingles or other lumber imported from any American plantation, per centum, twenty pounds; every Indian imported as a slave, fifty pounds; every deer skin imported, six pence; every barrel of pitch, tar and turpentine, twenty shillings; every bushel of peas or Indian corn, when the market price is ten shillings per bushel or under, twelve pence; every pound of indigo, one shilling; every pound weight of whale bone, eighteen pence; on every pound of tanned leather exported, two pence; on every side of neats leather, two shillings and six pence; on every tanned calf skin and deer skin, one shilling; on every raw hide, ten shillings; on every Indian dressed deer skin of a pound and upwards, six pence, and on every light or damaged deer skin, three pence; and all the liquors before enumerated which shall not pay duty by the gallon shall pay in proportion according to the size of the cask or vessel to be accounted as the duty is rated per pipe; and in case any of the said slaves, liquors, spirits, goods and commoditys hereinbefore enumerated shall be landed and re-shipped, they shall in such case be subject to and shall pay the same dutys as if landed and imported, but shall nevertheless be intitled to the drawbacks hereinafter mentioned and provided; but if any of the said

slaves or goods above enumerated (except pitch, tar, turpentine and pork,) shall be only removed from one ship or vessel to another without being landed, all such goods shall be exempted from paying the tax or imposition hereby before imposed; any thing herein contained to the contrary thereof in any wise notwithstanding.

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XVI. *And be it further enacted* by the authority aforesaid, That every master of a ship or other vessel, or merchant or other person, intending to land here any of the aforesaid liquors, spirits or goods on which any duty or imposition is hereby laid, shall within twenty-four hours after bringing such ship or vessel to an anchor before Charlestown, and before bulk be broken, make a general triple entry or three manifests of his lading or cargo, which he shall sign and deliver on oath to the comptroller of country dutys, which manifest shall contain the marks and numbers of each package or thing containing any of the aforesaid commodities, and also the name of the master and vessel importing the same; a duplicate of which entry shall be signed by the said comptroller and delivered to the said publick treasurer for the time being, and the same shall be also entered in a book kept for that purpose by the said comptroller; and the other third part of the said entry shall be signed by the said treasurer and delivered as a permit to the country waiter for the landing of the goods therein contained, after payment is made of the said dutys to the treasurer; and the waiter upon the receipt of such entry shall give notice thereof to the master or person concerned; and the waiter shall keep a regular file of all such entries and permits so transferred and delivered to him by the treasurer, in order to be a check upon him, and to be perused by a committee of his Majesty's Council, or of the Commons House of Assembly, upon examining and settling the treasurer's accounts.

Masters of vessels to make triple entry within 24 hours and before breaking bulk.

Manifest to be delivered on oath.

XVII. *And be it further enacted* by the authority aforesaid, That for the better collecting the dutys aforementioned on goods exported, every person whatsoever intending to export or ship on board for exportation any of the aforementioned goods or commodities, shall before the shipping of the same, make three entries containing the marks, numbers and contents of the said goods so intended to be shipped, with the name of the master and vessel, and the place to which they are bound, and shall deliver the same upon oath, to the comptroller of country dutys aforesaid, who is hereby impowered and required to administer the oath hereby directed to be made for the importing or exporting any of the goods and commodities aforesaid, and the tenor of the said oath is to be that the entries or manifests so made, are an exact and true account of all the goods and commodities intended to be imported or exported as aforesaid; and the said entries are to be filed, delivered and transmitted to the treasurer and one of the waiters, in such manner as herein directed; and the powder receiver for the time being, is hereby directed and commanded not to permit any vessel to depart from the said port of Charlestown, until a permit is produced to him, signed by the treasurer, for such departure.

Exporters to make and send in three entries.

On oath.

Not to depart without permit.

XVIII. And to the end that the rates, dutys and impositions laid and imposed by virtue of this Act may be the more speedily and effectually received and collected by the publick treasurer, *Be it further enacted* by the authority aforesaid, That from and after the commencement of the said duty by virtue of this Act, all sums of money payable or demandable for the said dutys in manner and proportion hereinbefore laid and imposed, shall be paid to the publick treasurer by the importer or exporter, before the liquors, spirits, goods or merchandizes or any of them hereinbefore enumerated and liable to the dutys aforesaid, shall be put on board any vessel in order to be exported, or taken out or from any vessel, in order to

All duties to which the goods are liable, are to be paid before being put on board for exportation.

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be imported, on any colour or pretence whatever; and the said treasurer is hereby required not to deliver any permits for the shipping on board or landing on shore any of the said enumerated commoditys for which dutys shall be due and payable as aforesaid, until the said dutys are actually paid, except for goods imported by or consigned to any of the merchants or factors actually here residing, who shall not be liable to pay the said dutys sooner than three months after such importation if they desire such a forbearance, and provided they pass their notes and give security to the satisfaction of the treasurer if required so to do, for the punctual payment of the said dutys at the expiration of the said three months; and provided also, that all transient factors on their entering into bonds to the treasurer with sufficient suretys, being inhabitants of this Province, for the faithful payment of the said dutys on any liquors, spirits or goods imported, within the term of three months after such importation, or sooner if he or they shall depart this Province, shall be entitled to a forbearance for that time, if they shall desire it.

No permit till the duties are paid.

Three months allowed for payment on goods consigned.

Oath to be taken at the time of delivering the manifest.

Penalty on landing without permit.

XIX. *And be it further enacted* by the authority aforesaid, That at such time as the master of any vessel, or the factor, merchant or supercargo, shall make his or their general entrys or manifests with the comptroller, he or they making such entrys or manifests, shall also make oath that he or they have not put on shore, nor were privy to the putting on shore, in the port of Charlestown aforesaid, or in any other port or place in this Province, nor put into any boat or vessel in order to be landed, any of the liquors, spirits, goods or commoditys hereinbefore rated and enumerated, before the making of his or their general entry or manifest as aforesaid; and in case any master of any ship or vessel, merchant, factor or any other person shall put on shore any of the said rated liquors, spirits or commoditys, or shall put any of them into any boat or vessel, in order to land the same, before a permit is duly obtained from the treasurer for that purpose, in manner hereinbefore directed, all such liquors, spirits and commoditys so landed, or put on board any boat or vessel in order to be landed, shall be forfeited and applied to the uses hereinafter mentioned, and all persons are hereby required to be aiding and assisting to the said treasurer, comptroller and waiter, or to any other agents, informers, seizors or discoverers, in case of their meeting with opposition in seizing or searching for any of the said enumerated liquors, spirits or commoditys unladen or landed, contrary to the true intent and meaning of this Act, on the penalty of fifty pounds current money, to be levied and recovered from any person so offending by refusing his assistance.

Waiter making default to be removed.

XX. *And be it further enacted* by the authority aforesaid, That the waiter for the time being, shall be under the direction of the treasurer and comptroller, and shall from time to time follow and observe their orders and instructions relating to the execution of this Act, and shall be allowed the yearly sum of one hundred pounds current money, as a salary for being country waiter, to be paid out of the dutys arising on the liquors, spirits, goods and commoditys hereinbefore rated and enumerated; and in case the said waiter shall make default in any part of his duty relating to the execution of this Act, the treasurer or comptroller shall complain thereof to the General Assembly at their next meeting, that such waiter may be removed or mulcted of his salary, as the General Assembly shall think proper.

No goods to be landed but in the day time.

XXI. *And be it further enacted* by the authority aforesaid, That none of the liquors, spirits, goods or commoditys hereinbefore enumerated for paying a duty on importation as aforesaid, shall be landed or put on shore

but in the day time between sun rise and sun set, on pain of all such liquors, spirits, goods and commoditys being seized and forfeited. A. D. 1740.

XXII. And forasmuch as the several dutys imposed by this law may be evaded, in case any master, owner, factor or other person shall be at liberty to sell or retail any of the liquors, spirits or commoditys aforesaid, on board the ship or vessel in which the same are imported, or in any boat or vessel in which the same may be put, *Be it therefore enacted* by the authority aforesaid, That no master, owner, factor, supercargo or other person, shall be at liberty to barter or sell by wholesale or retail, on board any ship or vessel that shall come to this Province, any of the liquors, spirits or goods afore rated, (peas and corn only excepted) on pain of the forfeiture of all such liquors, spirits and goods, and also the sum of forty pounds current money, to be recovered from the seller in such manner as is hereinafter directed. Penalty on selling goods out of the vessels, except peas and corn.

XXIII. And for the preventing disputes about the quantity of liquors or spirits imported and to be rated, *It is hereby further enacted*, That the importer, without gaging, be allowed ten per centum for leakage upon his invoice and entry made as aforesaid; but if the owner or importer shall suspect his leakage to be greater, then the waiter shall gage the same, and such leakage, if entered with the comptroller and not otherwise, shall be allowed; and if at any time the treasurer, comptroller or waiter shall suspect any cask, pipe or hogshead to contain a greater quantity than it is entered for, then the same shall be gaged by cubical inches, and if a surplus quantity shall be discovered, the importer shall pay the duty for such surplus, and shall make a new entry of such surplus, and shall pay for the gaging each cask, pipe or hogshead, so found to contain a surplus, the sum of ten shillings current money. Leakage.

XXIV. *And be it further enacted* by the authority aforesaid, That if any skins or tanned leather, or other merchandize liable to pay a duty on exportation of the same by virtue of this Act, shall be put on board any ship or vessel, before entry thereof is duly made as aforesaid, and a permit for that purpose be obtained, as is hereinbefore directed, all and every the said skins, hides, leather and merchandize so put on board contrary to the true intent and meaning of this Act, shall be forfeited, and shall be disposed to such uses as other forfeitures accruing by the duty and imposition on liquors, spirits and other commoditys hereinbefore enumerated, are by this Act appointed and directed. No goods to be shipped till the duties are paid.

XXV. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful to and for the treasurer, comptroller or waiter, with any of their agents or informers, by virtue of a warrant from any justice of peace, with one or more constables, to enter and search, in the day time, all cellars, shops, warehouses and suspected places, and the same to break open, if leave to enter be refused by the owners, and there to search and rummage for any liquors, spirits, goods and commoditys herein before rated and enumerated, and which they shall be informed were there carried and shall be concealed, contrary to the true intent and meaning of this Act, and the same if discovered shall be seized and forfeited; provided such seizure be made within three months after the offence committed. Officers may institute a search.

XXVI. *And be it further enacted* by the authority aforesaid, That the treasurer, comptroller and waiter, or any or either of them, be enabled, authorized, and they are hereby authorized and enabled, on suspicion of any skins, hides or tanned leather being put on board any ship or vessel, to go and enter on board any ship or vessel, in the day time, and to make search in all parts and places therein, and if need be to break open any May go on board of vessels and make search, break open locks, &c.

A. D. 1740.

Penalty on
making
opposition.

locks, chests, casks, bales or packages whatever, if denial be made to open the same; and if any skins, hides, tanned leather or other commodities liable to pay a duty on exporting the same, shall be found on board, whereof due entry hath not been made, as by this Act is required, all such skins, hides, tanned leather and commoditys shall be brought on shore, condemned and forfeited; and if any person shall forcibly resist, encourage, or assist in opposing or hindering the treasurer or his deputy, the comptroller or waiter, in the due execution of this Act, every such person shall for every such offence forfeit and pay the sum of one hundred pounds current money, to be recovered and disposed of in such manner as hereinafter is directed.

Drawback on
exportation.Oath to be
taken by the
exporter.

XXVII. *And be it further enacted* by the authority aforesaid, That if any of the aforesaid liquors, spirits, goods and commoditys, imported, be landed and afterwards exported within six months after the importation thereof, the treasurer for the time being shall discount or repay to the owners or their assigns three fourth parts of the duties of such liquors, spirits, goods and commoditys, according to the rules aforementioned; provided the person applying for such drawbacks, before the departure of the vessel in which the said liquors, spirits or commoditys are to be exported, do make positive oath before the treasurer, who is hereby empowered to administer the same, that the liquors, spirits, goods and merchandizes, for which such drawback is required, were imported within the term of six months next before, and shall specify the master and ship or vessel in which they were imported, and shall also swear that duties were actually paid or secured to be paid on importing the same, in which case the treasurer shall grant a permit for the exportation of the said goods, on the exporter's first entering with the comptroller the quantity of the liquors, spirits and commoditys so to be exported.

Public treasurer
appointed
receiver.And to render
an account.

XXVIII. *And be it further enacted* by the authority aforesaid, That the person nominated and appointed publick treasurer of this Province by the General Assembly of this Province, is hereby appointed receiver of all duties, dues, penaltys and forfeitures growing due or payable to his Majesty for the use of the publick of this Province, by virtue of this Act, of which he shall fairly keep and render an account from time to time, when thereunto required by his Majesty's Council or the Commons House of Assembly, and shall take and receive all such fees, perquisites and profits as by this Act is hereafter given and appointed.

XXIX. *And be it further enacted* by the authority aforesaid, That the treasurer and comptroller for the time being shall upon every day of the week (Sundays and holidays excepted) give attendance at their respective offices in Charlestown, from the hour of nine to the hour of twelve in the forenoon, on pain of forfeiting fifty pounds current money for every neglect, to be recovered and disposed of as is hereinafter mentioned and directed.

Duties to be
recovered in a
court of law.And so of pen-
alties and for-
feitures.

XXX. *And be it further enacted* by the authority aforesaid, That all and singular the fines, penaltys and forfeitures of or under the sum of twenty pounds current money of this Province, which shall be incurred or become due by virtue of this Act, shall be recovered as is directed by the Act for the tryal of small and mean causes, and the several fines, penaltys and forfeitures exceeding the sum of twenty pounds current money, shall be sued for, prosecuted and recovered by action of debt, bill, plaint or information, in any court of record in this Province, wherein no essoign, privilege, protection, stay of prosecution, or *non vult ulterius prosequi*, shall be admitted or allowed; and one moiety of all the several and respective forfeitures that shall be incurred by virtue of this Act, which

are not hereinbefore particularly appropriated, shall enure and be to the use of the publick of this Province, and to be paid and applied as shall from time to time be directed by the General Assembly of this Province, and not otherwise, and the other moiety shall go to him or them who shall inform and prosecute for the same.

XXXI. *And be it further enacted* by the authority aforesaid, That if any liquors, spirits, goods or commoditys shall be seized for any offence committed or done against this Act, or that the property be claimed by any person or persons as importers or exporters thereof, the burthen of the proof shall lye upon the owner or claimer, and not upon the prosecutor or informer.

A. D. 1740.

In case of goods seized, the onus probandi to lie on the owner or claimer.

XXXII. *And be it further enacted* by the authority aforesaid, That out of the moneys arising from the duties and impositions laid, imposed or incurred by virtue of this Act, on account of the importing or exporting any of the liquors, spirits, wares or merchandizes hereinbefore enumerated, (negroes excepted) shall be paid and satisfied the ministers' yearly salaries, and all the salaries of the clerks and sextons of each parish in this Province; and to the treasurer for the time being, in compensation for his trouble, shall be allowed to his own proper use, two and a half per centum for all moneys he shall receive in duties on the commoditys herein enumerated, and two and a half per centum on all moneys he shall pay out of the same, and the same shall be in lieu of all salaries which have or might have been allowed for receiving or paying of duties by any law or laws of this Province, any thing contained in such law or laws to the contrary notwithstanding; and to the comptroller shall be paid out of the said duties on the commoditys herein enumerated, a yearly salary of sixty pounds current money, who shall be empowered to demand, receive and take the sum of five shillings current money for every entry made with him or in his office, by virtue of this or any other Act of the General Assembly of this Province. And whatever surplus shall be remaining of the said duties on the commoditys herein enumerated, after payment of the several demands and outgoings by this Act directed, every such surplus shall be carefully retained by the treasurer until appropriated and applied by the General Assembly.

Ministers' salaries to be satisfied, also of clerks and sextons.

Per centage allowed the treasurer, &c.

XXXIII. And for the encouragement of waiters and other officers and persons to be watchful and careful in discovering of frauds in importing or exporting goods without a permit being first had and obtained from the treasurer as aforesaid, *It is hereby further enacted* by the authority aforesaid, That one moiety of all the liquors, spirits, goods or commoditys which from time to time shall be seized and forfeited by virtue of this Act, shall go to his Majesty and be applied to the use of the publick of this Province, and the other moiety shall go to the person seizing, securing and suing for the same, to be tried, heard, adjudged and determined in the court of common pleas in this Province, which court is hereby vested with all the powers and authorities for the trying, hearing, adjudging and determining any offence, penalty or forfeiture incurred by virtue of this Act, in the same manner as the court of exchequer in that part of the kingdom of Great Britain called South Britain, where the value of the seizure or forfeiture shall exceed the sum of twenty pounds; and where the value shall not exceed the sum of twenty pounds current money, the same shall be heard and determined by any two justices of the peace of the county where the seizure shall be made or offence shall happen, who shall proceed in the most summary manner to declare the forfeiture or acquittal of the same.

Disposal of goods seized.

A. D. 1740.

No replevin to
be granted for
goods seized.

XXXIV. *And be it further enacted* by the authority aforesaid, That no replevin shall lye nor be granted for the delivery of any liquors, spirits, goods or commoditys seized by virtue of this Act, but that the justices of the court of common pleas of this Province may make an order, in case of goods perishable only, to have the same appraised and delivered, upon giving security for the same.

General issue
may be plead-
ed and this
Act given in
evidence.

XXXV. *And be it further enacted* by the authority aforesaid, That if any action or suit shall be brought or prosecuted in any court of record in this Province against the said publick treasurer, comptroller, waiter or assistant waiter or waiters, or any other person or persons whomsoever, for any matter or thing done or to be done by them or any of them, by virtue or in pursuance of the directions of this Act, it shall and may be lawful to and for such publick treasurer, comptroller, waiter, assistant waiter or waiters, and other person and persons, to plead the general issue and give this Act and the special matter in evidence; and in case the plaintiff or plaintiffs in such action or suit shall discontinue, become nonsuit, or a verdict pass against him or them, that then the judge and judges of such court shall tax and allow to such defendants and defendants his and their double costs of suit, for which every defendant and defendants shall have the like remedy as in other cases where costs by law are given to the defendants. And this Act is hereby declared to be a publick Act, and as such to be taken notice of in all courts in this Province.

Limitation
five years.

XXXVI. *And be it further enacted* by the authority aforesaid, That this Act and every article and thing therein contained (excepting that part thereof which imposes the tax of one hundred pounds, fifty pounds, and twenty-five pounds, on the purchasers of negroes imported into this Province,) shall continue and be of force for the space of five years from the passing of this Act, and from thence to the end of the next sessions of the General Assembly, and no longer.

C. PINCKNEY, *Speaker.*

In the Council Chamber, the 5th day of April, 1740.

Assented to: WILLIAM BULL.

No. 670. AN ACT for the better ordering and governing Negroes and other Slaves in this Province.

(Passed May 10, 1740. *See last volume.*)

No. 671. AN ACT FOR THE BETTER ESTABLISHING AND REGULATING PATROLS.

Preamble.

FORASMUCH as many late horrible and barbarous massacres have been actually committed, and many more designed, on the white inhabitants of this Province, by negro slaves, who are generally prone to such cruel practices, which makes it highly necessary that constant patrols should be established and kept in the several militia districts of this Province, for the better preventing any future insurrections or cabals of the said slaves; we therefore humbly pray his most sacred Majesty that it may be enacted,

A. D. 1740.

I. *And be it accordingly enacted*, by the Honourable William Bull, Esq., his Majesty's Lieutenant Governour, and Commander-in-chief in and over this his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council and the Commons House of Assembly of this Province, and by the authority of the same, That within the space of three months immediately from and after the passing of this Act, every captain of a company of foot militia throughout this Province (except those hereafter excepted) shall severally and respectively summon together his lieutenant and ensign, and shall in concert with them, where the captain, lieutenant and ensign shall meet, and where they shall not, then any two of them (the captain being one, unless absent or dead) shall subdivide and distinguish his and their company district into as many other convenient patrol districts as they shall think most proper and consistent with the extent and situation of the general company district, and so as the riding over any such patrol district may not exceed above fifteen miles in extent; which said subdivided districts severally and respectively shall thenceforth be the patrol districts in each parish, unless the same be thought necessary to be altered by the said officers as aforesaid, and wherein the owners of settled plantations as well as the other inhabitants of any such subdivided patrol district (white servants excepted) and as well alarm men as others, both of foot and horse, shall be subject to the patrol duty of that district, and shall either by themselves in person, or by others employed for that purpose, do their patrol duty regularly and successively, according to the true intent and meaning of this Act. And in case any captain, lieutenant or ensign shall for the said term of three months from and after the passing of this Act omit or fail to subdivide and distinguish his or their company district, in manner herein before enjoined, that then every such captain, lieutenant or ensign, so failing, shall respectively be subject to and pay the penalty of one hundred pounds current money of this Province, to be recovered by bill, plaint or information, in any court of record in this Province, and shall go to his Majesty, to be paid to the commissioners of the high roads in the parish where the offence shall be committed, and to be by them applied towards repairing the bridges and causeys in such parishes respectively. And that the owners of settled plantations, and also the inhabitants of every parish, may the better know to what patrol district they severally belong in any parish, the said captains, lieutenants and ensigns as aforesaid, in each militia district, shall draw up and describe in writing their said subdivisions and appointments of such patrol districts, and shall within ten days after they make the same, cause signed copies thereof to be fixed up at the church and meeting-house doors of their several districts, or of that parish where such districts lye, and shall also cause another copy thereof to be entered in a book by the clerk of each company respectively, that any person may from time to time have recourse to the same.

Militia officers shall meet and establish patrol districts, not exceeding 15 miles in extent.

White servants excepted.

Penalty for neglect of meeting, &c.

To give notice at church doors.

II. And forasmuch as all persons, as well women as men, who are or shall be owners of settled plantations in any district, ought to contribute to the service and security of that district where their interest lyes, whether such persons be residing there or not: *Be it therefore further enacted* by the authority aforesaid, That the captains of each company of foot militia shall in their several districts make out and keep from time to time a special patrol list for every subdivided and distinct parish district, in which list shall be inserted the names of all owners of settled plantations lying therein, as well women as men, and as well alarm men as others, whether they reside there or not, as also the names of all the white male persons there inhabiting, (excepting all such persons, other than overseers, who

Masters and owners to furnish horses and accoutrements, and whether male or female to be held answerable.

A. D. 1740.

Persons liable
to perform
patrol duty.

Women who
have not ten
slaves, to be
exempted.

Owners may
find substitutes.

are not possessed of, interested in or entitled unto one male slave of the age of sixteen years or upwards within this Province.) Provided always, that nothing in this exception shall extend to overseers, or to the sons of such persons who are possessed of, interested in or entitled unto two male slaves, of the age of sixteen years or upwards, in this Province; and provided also, that the masters of all overseers and white male servants, who by this Act are obliged to do patrol service, shall be obliged to furnish their said overseers and servants with a horse and furniture for such service; and provided also, that every person having settled plantations in this Province, on which white overseers shall be severally and constantly employed, shall not be subject or obliged to do patrol service in those districts where such plantations lye on which white overseers are employed as aforesaid, other than in such in which he shall actually reside; and which persons, male and female, whose names shall be so enlisted, shall be answerable for the patrol service of that district severally, successively and in turns. And on every muster day the said captains or other commanders of the foot militia shall out of every such patrol list prick off the names of so many persons, not exceeding seven in number, as well women as men, and absentees owners of plantations there as well as residents, all the male persons of which list, severally and respectively, whose names shall be so pricked off shall, by themselves or others employed and provided for that purpose, severally and respectively ride patrol and do the service hereinafter directed, from that muster day till the next ensuing muster day, when the like number shall be pricked off, in the like manner, by equal turns, and so on, time after time, on every ensuing muster day, regularly, equally and successively, always choosing the nearest set of inhabitants mentioned in the general patrol list to do duty together, that they may meet and assemble with the more convenience and expedition. And if any man or woman (excepting such women who have not ten slaves, owner of a settled plantation in any district, to whom it may not be suitable or convenient to do duty in person) shall fail of having a sufficient person ready on any muster day to answer for and undertake the patrol service on his, her or their behalf, when their names shall be so pricked off as aforesaid, or shall refuse to perform patrol service, then and in every such case the captain or commander at that muster is to agree with any other person at a price certain not exceeding thirty shillings currency a night, to do duty for him or her so unprovided, or that shall not appear to have a sufficient person there ready, or shall refuse to perform that service, until he or she shall actually procure some other white person, between the age of sixteen and sixty, to ride patrol for them; and the rate or price so agreed upon by any such captain or commander as aforesaid, shall be paid by the person whose turn of service shall be so performed, to the person performing the same, according to his time of service. And in case any person shall fail to pay or satisfy such other person so appointed for him, her or them so neglecting, the price and rate so agreed upon by the said captain or commander, then and in every such case, it shall and may be lawful to and for the said captain or commander for the time being, who agreed with such person, to levy the same on the goods and chattels within that district belonging to the party so failing, by warrant of distress for that purpose, directed to any serjeant of that company in which such district lyes, which serjeant shall be allowed the rate of one shilling per mile and one shilling per pound for his trouble in levying the same; any law, usage or custom to the contrary notwithstanding.

III. And for the encouragement of the several captains of foot militia to do their duty, *It is hereby further enacted*, That every captain of foot

militia shall as well in person as by proxy be exempt from riding patrol in that patrol district where he resides, but shall not be exempted from doing duty by proxy in any other patrol district where they have settled plantations and do not actually reside; any thing herein before contained to the contrary notwithstanding.

A. D. 1740.

IV. And forasmuch as there being but few negroes as yet employed in any of his Majesty's townships lately laid out in this Province, the white inhabitants whereof are much superior in to the negroes there, so that the riding patrol there may not be necessary, *It is therefore hereby provided and enacted*, That nothing in this Act contained shall extend to be construed to compel the captains of the several companies of foot militia in any of the said townships to appoint the performing of patrol duty in the said townships, but that the inhabitants of the said townships shall in the said townships be exempt from the duties required by this Act; any thing herein before contained to the contrary notwithstanding.

The patrol duty not to be required where the white inhabitants are far superior in number to the negroes.

V. *And be it further enacted* by the authority aforesaid, That the captains of the several companies belonging to the regiment of the parish of St. Philip's, Charlestown, shall prick off five men from the lists of their companies respectively, including as well horse as foot, alarm men and others, in the said parish, to perform the patrol service in the said parish, beginning with the first company, and so through the list of the said companies (including troopers and others on the alarm lists) on to the last company, which men so pricked off shall be obliged to perform the patrol service for one month, and then to be relieved by others; provided that no man in the said town shall be obliged to ride patrol in the said parish but such as pay three pounds per annum in the general tax; and the men so pricked off shall be subject and lyable to the same penalties for breach or neglect of duty in the said patrol service as the persons pricked off in the country companies are subject and lyable unto; and the said captains respectively shall have the same powers in regard to appointing other persons to ride in the room of such persons as shall neglect their duty, and for putting this Act in execution in the said parish, as the captains and officers in the country districts have or can exercise by virtue of this Act. And provided always, that nothing in this Act contained shall be construed or intended to subject the commander-in-chief for the time being, or any of the members of his Majesty's honourable Council or of the Commons House of Assembly, or their officers, the publick treasurer, powder receiver, commissary general, controller of the country duties for the time being, nor any judges, ministers of the gospel, custom-house officers, or other officers commissioned by virtue of his Majesty's sign manual, or to the pilots and ferrymen in any part of this Province, to serve upon any patrol duty, in person, in any district whatsoever; any thing hereinbefore contained to the contrary notwithstanding.

St Philip's, Charleston.

Officers exempted from patrol duty.

VI. *And be it further enacted* by the authority aforesaid, That the captain or commanding officer of every company shall have power in their several districts, from time to time, to appoint one good and discreet person, from among the persons so pricked off, to be their commander, as soon as their names shall be so pricked off as aforesaid; and in case such captain or commanding officer fail so to do, before they leave the place of muster, that then the said captain or commanding officer be lyable to the fine of one hundred pounds, to be recovered as before mentioned. And that the commander of every such patrol may have better authority to keep them in good order and demeanour during their time and term of duty, it shall and may be lawful for every such patrol commander and they are hereby directed and required on any default or mis-

Captains of the patrol to be appointed.

A. D. 1740.

Penalty for
misbehaviour.

behaviour or neglect of duty of any patrol man, to inflict a fine upon him, not exceeding the sum of forty shillings current money, for the use of the patrols respectively in which such neglect, default or misbehaviour shall be committed, to be levied by distress and sale of the offender's goods, by virtue of a warrant for that purpose directed to the constable of the parish, under the hand and seal of the captain or commander of the company for that district in whose company or patrol such neglect, default or misbehaviour shall happen or be committed, which constable shall be allowed twelve pence per mile and twelve pence per pound for his trouble in levying the same.

What arms and
accoutrements
to be provided.

VII. And that the said patrols may be the better able to suppress any mischievous designs of negroes or other slaves, during their time of service, *It is hereby further enacted* by the authority aforesaid, that every person appointed or undertaking as a proxy for another to serve in the said patrol, in pursuance of or by virtue of this Act, shall provide for himself and keep always in readiness, and carry with him on his patrol service, one good gun or pistol, in order, a cutlass, and a cartridge box with at least six cartridges in it, under the penalty of two pounds current money for want of any such arms or ammunition, at such times and places as they shall be appointed by their respective commanders in their several districts, to whose orders they shall on all occasions be respectively obedient during their time of service, on pain of incurring the fine of two pounds herein aforementioned.

Duty of the
patrol men.

VIII. *And be it further enacted* by the authority aforesaid, That every patrol shall go to and examine the several plantations in their districts, severally and respectively, at least once in a fortnight, and may take up all slaves which they shall see without the fences or cleared ground of their owners' plantations, who have not a ticket or letter to shew the reasonableness of their absence, or who have not some white person in company to give an account of his, her or their business, and such patrol may correct every such slave or slaves by whipping with a switch or cowskin, not exceeding twenty lashes; provided that no patrol man shall beat or abuse any slave quietly and peaceably being in his master's plantation, or found any where out of the same having a lawful ticket, under the penalty of forty shillings, to be recovered by warrant from any justice of peace upon oath, and paid to the owner of the slave so abused. And the said patrols shall have full power to search and examine all negro houses for offensive weapons and ammunition, and on finding of any such, contrary to the Act for the better ordering and governing negro and other slaves, shall then proceed according to the method by the said Act directed; and if any patrol, when the commander is present, shall see any fugitive slave or slaves endeavouring to avoid them by hiding or running into or shall hear of any such being harboured in any dwelling house of a white person, the commander shall ask leave of the owner of the said dwelling house or of some white person then there, to search for, examine and apprehend the said fugitive slave, or that the said owner should deliver up such slave or slaves, and in case the said owner or other white person so intreated shall refuse to deliver up such fugitive slave or slaves, or to suffer search to be made for them, (the said patrol or any of them having seen such slaves enter) shall forfeit the sum of five pounds current money for every such offence.

May enter dis-
orderly houses.

IX. *And be it further enacted* by the authority aforesaid, That the said patrols in their several districts, or any two persons belonging to the said patrols respectively, shall have full power, and they are hereby authorized and empowered, to enter into any disorderly tipling houses or other houses

suspected of harbouring, trafficking or dealing with negroes, either of white persons, free negroes or others, and to apprehend and correct all disorderly slaves there found, by whipping, as hereinbefore directed; and the said patrols, in their several districts, may search any such disorderly houses for stolen goods, if any are suspected to be there concealed, upon oath first made of such suspicion before a magistrate, and the same certified to the commander of such patrol.

X. And whereas, many irregularitys have been committed by former patrols, arising chiefly from their drinking too much liquor before or during the time of their riding on duty, *Be it therefore enacted* by the authority aforesaid, That any person whatsoever who shall be drunk during the time of his service on the patrol, shall be subject to the penalty of forty shillings, to be recovered by warrant from any justice of the peace, upon oath first made thereof, the same to be applied to the use of the highways in the respective districts where the offence shall happen.

A. D. 1740.

Penalty if a patrol be drunk.

XI. *And be it further enacted* by the authority aforesaid, That in case the captain of any district or other commanding officer, at any muster day, or within five days after, shall fail or neglect to prick off a sufficient patrol for any district, according to the method prescribed by this Act, in manner aforesaid, each of the said captains or other next commanding officer shall for every such neglect or default forfeit the sum of eighteen pounds for every patrol district so unsupplied, to be recovered by warrant under the hand and seal of any justice of peace for the county where the offence shall be committed, and shall go to his Majesty, and be paid to the commissioners of the high roads in the parish where the offence shall be committed, and to be by them applied towards repairing the bridges and causeys in such parish respectively.

Fine for neglecting to prick off a sufficient patrol.

XII. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful to and for any person or persons to send another white person or persons, between the age of sixteen and sixty, to ride patrol for them and to perform the other duties required of patrols. And if any

Substitutes may be procured to ride patrol.

captain or other officer, constable, patrol man or other person, shall be sued, arrested or impleaded for any matter or thing which he shall do or cause to be done by virtue of or in pursuance of this Act, it shall and may be lawful for every such captain and other officer, constable, patrol man and other person, to plead the general issue and to give this Act and the special matter in evidence on the tryal; and if a verdict shall pass against the plaintiff or plaintiffs, or that such plaintiff or plaintiffs shall suffer a nonsuit or discontinue his or their action or suit, then, in every such case, the court where such action shall be depending shall tax and allow to the defendant or defendants his and their double costs in every such suit or action. Provided always, that this Act and every thing herein contained shall continue and be in force for the term of three years, and from thence to the end of the next sessions of the General Assembly, and no longer.

General issue may be pleaded and this Act given in evidence.

This Act to continue in force for three years.

C. PINCKNEY, *Speaker.*

In the Council Chamber, the 10th day of May, 1740.

Assented to: WILLIAM BULL.

A D. 1740.

No. 672. AN ACT to cut and sink Drains into the North and West Branches of Stono River.

(Passed May 10, 1740. *See last volume.*)

No. 673. AN ACT for granting to His Majesty the Sum of Four Thousand and Eighty-two Pounds Three Shillings and Seven-Pence current money, for defraying the charges of the Government for one year, commencing the 25th day of March, 1739, inclusive, and ending the 25th day of March, 1740, exclusive.

(Passed May 10, 1740. The grants of aid to His Majesty, by the Taxation Acts, are so very numerous, so lengthy, and so similar, that I shall hereafter insert no more than the titles; unless, in the course of perusing them, I should find new matter proper to be inserted.)

No. 674. AN ACT TO ENCOURAGE THE BETTER SETTLING AND IMPROVEMENT OF BEAUFORT TOWN, ON PORT ROYAL ISLAND, IN GRANVILLE COUNTY.

Preamble.

WHEREAS, during the Government of the heretofore true and absolute Lords Proprietors, a town was erected, appointed and established on Port Royal Island, in Granville county, and was commonly called and known by the name of Beaufort; and whereas, the said town and the parts adjacent have since been made, erected and constituted a port and place for discharge and unlading of goods and merchandizes; and whereas, by an Act of the General Assembly of this Province, passed on the eleventh day of December, in the year of our Lord one thousand seven hundred and seventeen, entitled an Act for the further encouragement of the clergy of this Province by advancing their salaries, and for empowering the commissioners appointed by the Act commonly called the church Act, to take up from the Lords Proprietors a grant for part of the land belonging to Beaufort, for a glebe for the use of the rector or minister of the parish of St. Helens, it is amongst other things enacted, that to forward the speedy settlement of the said town of Beaufort, to the strengthening the frontiers of the Province against all manner of enemys, to the great advantage and security of the whole government, all manner of persons who had or should take up any front lots in the said town of Beaufort, that did not build a tenantable house of the dimensions in the said Act mentioned, or of a proportionable bigness, in the space of three years after the ratification of the said Act, and also all manner of persons who had or should take up any back lots in the said town, that should not build a tenantable house of the dimensions in the said Act mentioned in the space of four years after the ratification of the said Act, should forfeit the sum of ten pounds current money of this Province, per annum, for every year they should neglect to build as aforesaid, to be levied and recovered as in the said Act is directed: and whereas, the said Act of the General Assembly hath not hitherto been effectually carried into execution, nor fully answered the good design for which it was made; and whereas, several persons as well before as since the making of the said Act, have laid out, admeasured and ascertain-

ed several lots in the said town, but have not obtained grants for the same ; and whereas, it is his Majesty's most gracious intention, signified by his royal instructions, that his lands shall be granted to his subjects on condition of their settling, cultivating and improving the same, for the increasing the wealth, strength and security of this Province ; we therefore humbly pray his most sacred Majesty that it may be enacted, A. D. 1740.

I. *And be it enacted*, by the Honourable William Bull, Esq. Lieutenant Governour and Commander-in-chief, by and with the advice and consent of his Majesty's honourable Council and the Commons House of Assembly of this Province, and by the authority of the same, That all and every person and persons who shall at any time hereafter obtain his Majesty's grant for any lot or lots of land in Beaufort town aforesaid, shall within three years after the passing and obtaining such grant or grants, erect and build on every such lot so to be granted, one good and sufficient tenatable house, with one brick chimney at least, and of the dimensions of thirty feet in length or front and fifteen feet in breadth or depth at least ; and in case any person whatsoever, who shall hereafter obtain any such grant or grants as aforesaid, shall neglect or refuse to build such house on every such lot so to be granted as aforesaid, in the manner and according to the dimensions herein before directed and prescribed, within the time herein before limited, every such person so neglecting or refusing to build as aforesaid, shall forfeit and pay to his Majesty, his heirs and successors, the sum of two pounds proclamation money, or the value thereof in currency, yearly and every year, for every such lot so neglected or refused to be built upon as aforesaid, until such time as such house as aforesaid shall be completely built and finished according to the directions aforesaid, to be disposed of and paid into the hands of the commissioners to be appointed according to the directions of *** Act, for the use of a free school, to be built, erected and established in the said town for the education of poor children, and shall be recovered by warrant of distress under the hands and seals of any two justices of the peace of the county where the offender shall live or usually reside. Owners of lots to erect on each lot within three years, a tenatable house.
Penalty for neglect.

II. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for the Governour or Commander-in-chief of this Province for the time being, to nominate and appoint any such discreet and fit persons as he shall think fit, not exceeding seven in number, to be commissioners of the said free school so to be erected as aforesaid, by the name of the commissioners of the free school at Beaufort ; and in case of death, absence or refusal to act of such commissioners, from time to time to place and appoint others in their room. Commissioners of free school to be appointed.

C. PINCKNEY, *Speaker.*

In the Council Chamber, the 16th day of May, 1740.

Assented to : WM. BULL.

An Additional and Explanatory ACT TO AN ACT INTITLED AN ACT TO ENCOURAGE THE BETTER SETTLING AND IMPROVEMENT OF BEAUFORT TOWN, ON PORT ROYAL ISLAND, IN GRANVILLE COUNTY. No. 675.

WHEREAS, the several Acts of the General Assembly of this Province heretofore passed to encourage the better settling and improvement

A. D. 1740.

of Beaufort town, on Port Royal island, in Granville county, have not fully answered the good designs for which they were intended; we therefore humbly pray your most sacred Majesty that it may be enacted,

A tenantable
house to be
erected on
each lot.

Penalty on
neglect.

I. *And be it enacted*, by the Honourable William Bull, Esquire, Lieutenant Governour and Commander-in-chief, in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council and the Commons House of Assembly of the said Province, and by the authority of the same, That all and every person and persons who shall at any time hereafter obtain his Majesty's grant for any lot or lots of land in Beaufort town aforesaid, their heirs, executors or assigns, shall within three years after the passing and obtaining such grant or grants, erect and build on every such lot so granted, one good and sufficient tenantable house, with one brick chimney at least, and of the dimensions of thirty feet in length or front, and fifteen feet in breadth or depth at least; and in case any person whatsoever, who shall hereafter obtain any such grant or grants as aforesaid, shall neglect or refuse to build such house on every such lot so granted as aforesaid, in the manner and according to the dimensions hereinbefore directed and described, within the time before limited, every such person or persons, their heirs, executors and assigns so neglecting or refusing to build as aforesaid, shall forfeit and pay to his Majesty, his heirs and successors, the sum of two pounds proclamation money, or the value thereof in currency, yearly and every year, for every such lot so neglected or refused to be built upon as aforesaid, until such time as such house as aforesaid shall be completely built and finished according to the directions of this Act, to be disposed of and paid into the hands of the commissioners to be appointed according to the directions of this Act, for the use of a free school to be built, erected and established in the said town for the education of poor children, and shall be recovered by warrant of distress, under the hands and seals of any two justices of the peace of the county where the offender shall live or usually reside.

Commissioners
of free school.

II. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for the Governour or Commander-in-chief of this Province for the time being, to nominate and appoint any such discreet and fit persons as he shall think fit, not exceeding seven in number, to be commissioners of the said free school so to be erected as aforesaid, by the name of the commissioners of the free school at Beaufort; and in case of death, absence or refusal to act of such commissioners, from time to time to place, nominate and appoint others in their room, any thing in this or any other Act to the contrary thereof in any wise notwithstanding.

WM. BULL, Jun., *Speaker.*

In the Council Chamber, the 19th day of September, 1740.

Assented to: WILLIAM BULL.

A. D. 1740.

No. 676.

AN ACT TO ENABLE THE PUBLICK TREASURER OF THIS PROVINCE TO ISSUE THE SUM OF FIFTEEN THOUSAND POUNDS CURRENCY, OUT OF ANY FUNDS NOW LYING IN THE HANDS OF THE SAID TREASURER, IN LIEU OF A LOAN OF TWO THOUSAND POUNDS STERLING, WHICH CERTAIN COMMISSIONERS ARE ENABLED TO BORROW BY VIRTUE OF AN ACT OF GENERAL ASSEMBLY, LATELY PASSED, FOR DEFRAYING THE EXPENCE OF CERTAIN SUCCOURS AND FORCES TO ASSIST GENERAL OGLETHORPE, IN AN EXPEDITION AGAINST HIS MAJESTY'S ENEMYS AT AUGUSTINE, &c. AND ALSO TO ENABLE CERTAIN COMMISSIONERS THEREIN MENTIONED TO STAMP AND SIGN A FURTHER SUM IN ORDERS, TO THE AMOUNT OF ELEVEN THOUSAND FIVE HUNDRED AND EIGHT POUNDS CURRENT MONEY, FOR SUPPLYING THE ADDITIONAL EXPENCES OF THE SAID EXPEDITION, AND WHICH BY THE SAID ACT ARE NOT PROVIDED FOR.

FORASMUCH as an Act of the General Assembly of this Province has been lately passed for enabling certain commissioners therein named to take upon loan a sum not exceeding two thousand pounds sterling, and for enabling certain other commissioners to stamp and sign certain orders to the amount of twenty-five thousand pounds current money of this Province, for defraying the expence of certain succours and forces, to assist Gen. Oglethorpe in an expedition against his Majesty's enemys at Augustine and other places in Florida, &c.; and forasmuch as the Honourable Edmond Atkin, Esq. and John Dart and Jacob Motte, Esquires, are commissioners mentioned in the said Act and thereby empowered to borrow and take upon loan for the use of the government of this Province, towards defraying part of the expence of the said expedition, a sum not exceeding the sum of two thousand pounds sterling, from the said General Oglethorpe, his attorney or agent, at an interest of eight per cent; but forasmuch as some considerable sums of the current bills of this Province are now lying dead in the hands of the public treasurer, appertaining to several funds which are not like soon to stand in need of the same, and which may at present be conveniently issued and be again soon replaced, before the same are like to be wanting, the doing of which will be of great ease to the Government of this Province, as well as greatly contribute to the credit of the public by supplying ready money for the immediate paying off and discharging all the officers, soldiers and other expences incurred by the said expedition; we therefore most humbly pray his most excellent Majesty that it may be enacted,

Preamble.

I. *And be it accordingly enacted*, by the Honourable William Bull, Esquire, his Majesty's Lieutenant Governour and Commander-in-chief in and over this his Majesty's Province of South Carolina, and by the honourable members of his Majesty's Council and the Assembly of this Province, and by the authority of the same, That immediately from and after the passing of this Act, it shall and may be lawful to and for Gabriel Manigault, Esq. public treasurer of this Province, to emit and issue out of any funds, any sum or sums of money now lying dead and unapplied in his hands, not exceeding the sum of fifteen thousand pounds current money of this Province; and the said treasurer is hereby required to issue and apply the same towards discharging and paying off the debt incurred by the Government of this Province for the furnishing forces, embarkations, utensils, provisions and other materials in the late expedition against St. Augustine.

Public treasurer authorized to issue 15,000l. currency.

Application thereof.

A. D. 1740.

Appropriation
of the tax of
10,250l. curren-
cy, imposed
for 1741, 1742,
1743 and 1744.

II. *And be it further enacted* by the authority aforesaid, That the sum of ten thousand two hundred and fifty pounds current money of this Province, per annum, which by the said forementioned Act is imposed and thereby directed to be raised and levied on the inhabitants of this Province, in the several years of our Lord one thousand seven hundred and forty-one, one thousand seven hundred and forty-two, one thousand seven hundred and forty-three, and one thousand seven hundred and forty-four, and which by the said Act is directed to be first applied in discharge of the said intended loan of two thousand pounds sterling, and the interest thereon due and accruing, shall by virtue of this Act be first applied to replace in the hands of the publick treasurer of this Province, the said sum of fifteen thousand pounds current money, that shall be issued and applied for defraying any of the expence of the said expedition by the said treasurer, out of any funds lying in his hands; and the said sum of fifteen thousand pounds current money, when so raised and replaced, shall enure and be applied for the use of the said funds, rateably and respectively, that the same shall be issued and taken from, and to no other use, intent or purpose whatsoever.

Application of
the sum of
15,000l. curren-
cy, to be raised
under the pre-
sent act.

Denominations
of the orders
in value.

III. And forasmuch as the said expedition has been attended with several unforeseen contingencies, and that an additional levy of two hundred men was made and furnished for the service of the said expedition more than were provided for by the said recited Act, which augmented the expence thereof to the amount of eleven thousand five hundred and eight pounds current money of this Province, for the providing therefore, a sum sufficient to pay off and defray the same, *It is hereby further enacted* by the authority aforesaid, That an additional sum of orders to the amount of the said sum of eleven thousand five hundred and eight pounds currency, with all convenient speed be stamped off and signed, that is to say, the number of nine hundred and fifty-nine orders of the denomination of eight pounds each, and nine hundred and fifty-nine other orders of the denomination of four pounds each, of the same words, tenor and devices, with the fifteen hundred and sixty-three orders of the denomination of eight pounds each, and of the three thousand one hundred and twenty-four other orders of the denomination of four pounds each, which have already been stamped, signed and formed by virtue of the said forementioned Act, for defraying the expence of the said expedition.

Orders to be
current.

IV. *And it is hereby enacted*, That the Honourable John Colleton, Esq. and William Bull, junior, Robert Austin, Jordan Roche and Thomas Drayton, Esquires, be commissioners for the stamping, signing and preparing the said additional sum of eleven thousand five hundred and eight pounds current money in orders by this Act directed.

V. *And be it further enacted* by the authority aforesaid, That the said additional orders, when so stamped and signed by the said commissioners, shall be deemed to be orders for the payment of money; and after a deduction of so much as will defray the expence of stamping the same, shall all be immediately lodged with the public treasurer, and shall by him be issued towards defraying the undischarged expences of the said expedition, in the same manner as by the said forementioned Act is directed for issuing the said sum of twenty-five thousand pounds orders.

Tax of 11,508l.
to be raised as a
sinking fund.

VI. And forasmuch as a fund will be necessary for the sinking the said additional orders, *It is therefore hereby further enacted* by the authority aforesaid, that a tax of eleven thousand five hundred and eight pounds current money of this Province, be imposed, levied and raised on the inhabitants of this Province, in the year of our Lord one thousand seven hundred and forty-five, in the like manner and by the same rate of im-
po-

sition, tax and assessment, and by the same authority, as by the said fore-mentioned Act is directed for the levying and raising the sum of ten thousand two hundred and fifty pounds per annum, in the several years of our Lord one thousand seven hundred and forty-one, one thousand seven hundred and forty-two, one thousand seven hundred and forty-three, and one thousand seven hundred and forty-four, or in any of them; which said tax of eleven thousand five hundred and eight pounds shall be applied in the same manner with the income of the said other taxes of ten thousand two hundred and fifty pounds per annum, in the four years aforementioned, for the calling in and sinking as many of the said orders, stamped and signed by virtue of the said recited Act or of this Act, that shall be then outstanding, and to other use, intent or purpose whatever; and if any surplus shall remain of the said taxes more than shall be necessary for the exchanging and reducing of the said orders, such surplus shall be applied in ease of the then next ensuing tax, or in such manner as by the General Assembly of this Province shall be directed, and to no other use or purpose; any law, usage or other authority or custom to the contrary notwithstanding.

A. D. 1740.

Application
thereof.WM. BULL, Jun., *Speaker.**In the Council Chamber, the 19th day of September, 1740.**Assented to: WILLIAM BULL.*

AN ACT for regulating the buildings hereafter to be erected or built in Charlestown, and for preventing encroachments on the Streets, Lanes and Public Alleys within the said Town, as the Streets, Lanes and Public Alleys stood on the 17th day of November last. No. 677.

(Passed December 10, 1740. *See last volume.*)

AN ACT for vesting the Ferry over Ashley River in Elizabeth Bel-linger, widow, her executors, administrators and assigns, for a term of years therein mentioned. No. 678.

(Passed March 26, 1741. *See last volume.*)

AN ACT TO ENABLE GEORGE PAWLEY, DANIEL LAROCHE AND WILLIAM WHITESIDE, ESQUIRES, COMMISSIONERS APPOINTED FOR BUILDING A PARISH CHURCH AND PARSONAGE HOUSE IN GEORGETOWN, TO CARRY ON AND COMPLEAT THE SAME, AND FOR REPEALING PART OF AN ACT INTITLED "*An Act to repeal an Act for appointing a Chappel at Echaw, in the Parish of St. James Santee, in Craven County, and for erecting two other Chappels in the same Parish, and to provide that the Rector for the time being of the said Parish, do preach and perform Divine Service in the English Tongue.*" No. 679.

WHEREAS, in and by an Act of Assembly of this Province, intituled an Act for dividing of the parish of St. Paul, in Colleton county, and

A. D 1741.



Preamble.

Prince George Winyaw, in Craven County, passed the ninth day of April in the year of our Lord one thousand seven hundred and thirty-four, it was among other things enacted, that the churches and parsonage houses for the said parishes should be built in such place and places within the bounds of the said parishes respectively, as the major part of the commissioners therein named should order, direct and appoint, by and with the advice and consent of the major part of the inhabitants of the said parishes respectively, that should contribute to the building of the same; and for the said parish of Prince George Winyaw, Major George Pawley, Mr. Daniel Laroch and Mr. Elias Horry, sen. were thereby nominated and appointed to be the commissioners mentioned in that Act, and that in case of the death absence or resignation of any of the said commissioners, the remaining part of the commissioners, or the major part of them, shall summon the freeholders of the respective parishes to choose a person or persons to be commissioner or commissioners in the room or place of such person or persons so dead, gone off or resigned, as to them should seem meet; and whereas, the said Elias Horry, sen. since dead, and William Whiteside, Esq. hath been chosen a commissioner in his room; and whereas, the said George Pawley, Daniel Laroch and William Whiteside, have by their petition humbly represented that upon encouragement given them by the late Assembly, they have brought themselves largely in debt by purchasing materials for building a church and parsonage house in and for the said parish of Prince George Winyaw, and have thereby prayed such relief and assistance as would enable them to proceed on so necessary a work; we therefore humbly pray your most sacred Majesty that it may be enacted,

Appropriation
to building a
church and par-
sonage house.

I. *And be it enacted*, by the Honourable William Bull, Esq. Lieutenant Governour, by and with the advice and consent of his Majesty's Honourable Council and the Commons House of Assembly of this Province, and by the authority of the same, That all such moneys as shall after the passing of this Act be collected, received and paid into the hands of the publick treasurer of this Province, by virtue and in pursuance of an Act intituled an Act for the better strengthening of this Province, by granting to his Majesty certain taxes and impositions on the purchasers of negroes imported, and for appropriating the same to the uses therein mentioned, and for granting to his majesty a duty or imposition on liquors and other goods and merchandize, for the use of the public of this Province, for any goods, wares or merchandizes, (negroes excepted,) imported or hereafter to be imported into Georgetown, for the term of five years from the passing this Act, shall be appropriated and applyed for and towards defraying the charges of building, compleating and finishing a church and parsonage house in and for the said parish of Prince George Winyaw; and that the commissioners appointed for building the said church and parsonage house last mentioned, shall have power to draw on the publick treasurer of this Province for the time being, for the same; and the said publick treasurer is hereby impowered and required to answer and pay the same accordingly, or so far as he shall from time to time have sufficient of that fund in his hands; the said last mentioned Act, or any other Act, law, usage or custom to the contrary thereof in any wise notwithstanding.

II. And whereas, in and by one other Act of Assembly of this Province, intituled an Act to repeal an Act for appointing a chappel at Echaw in the parish of St. James Santee, in Craven county, and for erecting two other chappels in the said parish, and to provide that the rector for the time being of the said parish do preach and per-

form divine service in the English tongue, passed on the twentieth day of August, in the year of our Lord one thousand seven hundred and thirty-one, it was amongst other things enacted, that a chappel of ease should be erected in the lower part of the said parish, that is to say, at the point of the dividing of the paths leading to Mr. Jerman's and Santee Savannah, commonly called Mr. Horry's Savannah, and that divine service in the English tongue should be performed there once every third Sunday; and whereas, by the said Act there were three commissioners appointed, to wit, Mr. Jonah Collins, Mr. Daniel M'Gregory and Mr. Elias Horry, since deceased, to supervise the building of the same, who were also empowered to draw on the publick treasurer of this Province for the sum of two hundred pounds towards the defraying the expence of the same; and whereas, the majority of the freeholders and inhabitants of the said parish of St. James Santee have by their humble petition represented that the place appointed by the said Act is improper, and will be very inconvenient to the inhabitants, and will not answer the end and intention of the said Act, and for that reason the building hath been hitherto delayed, and have therein and thereby prayed that the said Act, so far as it relates to the said chappel, may be repealed, *Be it therefore further enacted* by the authority aforesaid, That the said Act, so far as the same relates to the removal of the building of the said chappel, be and is hereby declared to be repealed and made void.

A. D. 1741.

A former act repealed.

III. *And be it further enacted* by the authority aforesaid, That the said chappel shall be erected and built in, upon or near the place where the old chappel at Echaw now stands; and that Noah Serre, Paul Bruneau and Theodore Gaillard, be and are hereby appointed commissioners to erect and build the said chappel at Echaw, and empowered to receive and take in subscriptions of and from all such pious and well disposed persons as shall offer to subscribe towards the building of the same, and shall also have power to draw on the publick treasurer of this Province for the sum of two hundred pounds for and towards the defraying the charge of the building of the said chappel last mentioned, and the said publick treasurer is hereby empowered and required to pay the same accordingly; the said Act last above recited or any other act to the contrary thereof in any wise notwithstanding.

Site of the new chappel at Echaw.

WM. BULL, Jun., *Speaker.**In the Council Chamber, the 8th day of March, 1741.**Assented to: WM. BULL.*

AN *Additional ACT* TO AN ACT ENTITLED AN ACT FOR THE BETTER
REGULATING TAVERNS AND PUNCH HOUSES. No. 680.

WHEREAS, by an Act made and passed in open Assembly the 28th day of June, in the year of our Lord one thousand seven hundred and eleven, intitled an Act for regulating Taverns and Punch Houses, among other things it is enacted that the then present receiver, or the receiver for the time being, should, before he gave out any licence or licences for the retailing of strong liquors, according to the intent and meaning of that Act, first have the advice, approbation and consent of Colonel William Rhett, Colonel Hugh Grange and Mr. Ralph Izard, or any two of them, who were thereby authorized and empowered to forbid, hinder or restrain

Preamble.

A. D. 1741.

the said receiver or the receiver for the time being to give or grant any licence or licences to any person or persons who required the same of the receiver, who they should in their judgment think unfit or unqualified to keep a public house or retail any strong liquors as aforesaid; and if the said receiver or the receiver for the time being should presume to grant any licence without such consent, he should forfeit the sum of twenty pounds current money for each licence: And whereas, the said Colonel William Rhett and Colonel Hugh Grange are both dead, and the measures hitherto taken to hinder and prevent unfit and unqualified persons from obtaining licences have proved ineffectual, and the abundance of taverns, punch houses and blind tipping houses, are become hurtful and prejudicial to the common good and welfare of this Province, more especially the little tipping houses, in blind lanes and alleys, which are for the most part haunts and harbours for lewd, idle and disorderly people, runaway sailors, servants and slaves: For remedy whereof, we humbly pray your most sacred Majesty that it may be enacted,

Tavern licenses to be allowed by justices of the peace.

I. *And be it enacted*, by the Honourable William Bull, Esq. Lieutenant Governour and Commender-in-chief in and over the Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council and the Commons House of Assembly of this Province, and by the authority of the same, That the justices of the peace for the time being, living and residing within each parish within this Province, or any two of them, (except Charlestown, wherein any five justices of the peace also assembled together, one to be of the quorum) shall be and they are hereby authorized, impowered and required to enquire into the fitness and qualifications of such persons as shall desire licences to retail strong liquors in their own houses, within their several and respective parishes.

To meet for that purpose twice a year.

II. *Provided always, and be it further enacted* by the authority aforesaid, That the justices in each respective parish in this Province shall and they are hereby required to meet and assemble in their respective parishes twice in every year, that is to say, on Easter Monday and on the first Monday in the month of August, yearly and every year, in order to grant certificates or orders to the public treasurer for granting licences as aforesaid; and no certificate or order shall be issued or granted by the justices as aforesaid, but at the time of their so meeting and assembling as aforesaid; any thing hereinbefore to the contrary in any wise notwithstanding.

No such license to be granted by the public treasurer,

III. *And be it further enacted* by the authority aforesaid, That the present public treasurer or receiver, or the public treasurer or receiver for the time being, shall not grant any licence to any person or persons whatsoever to sell wine, cyder, beer, brandy, rum, punch, strong drink or other spirituous liquors, or to keep a billiard table, without an order to him for that purpose, signed and subscribed by the justices of the peace so assembled together as aforesaid, and living and residing within the parish where the person or persons to be licenced shall keep or purpose to keep a tavern or punch house and billiard table, any law, usage or custom to the contrary notwithstanding; and in case he shall so do, contrary to the direction, true intent and meaning of this Act, he shall forfeit the sum of twenty pounds proclamation money, or the value thereof in currency, for each licence that he shall grant.

without an order from the justices.

The location of the tavern to be particularized, or the licence to be void.

IV. *And be it further enacted* by the authority aforesaid, That in the body of every order from the said justices of the peace to the treasurer or receiver for granting a licence, and in the licence itself, the street, lane, alley, road, bridge, ferry, village, town or other place, where the tavern or punch house and billiard table is to be kept, shall be particularly men-

tioned and specified, otherwise such order and licence shall be deemed, holden and taken as void and of none effect.

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V. *And be it further enacted* by the authority aforesaid, That if any person or persons other than such as shall be hereafter allowed and admitted by the said justices or any two of them so assembled, (except Charlestown, where any five justices assembled together, one to be of the quorum) shall at any time from and after the passing of this Act obstinately and upon his own authority take upon him, her or them to keep a tavern, punch house, or tipling house, or billiard table, or shall without such licence as aforesaid use selling of wine, cyder, beer, brandy, rum, punch, or any strong drink or spirituous liquors whatsoever, under the quantity of three gallons, shall forfeit the sum of twenty pounds proclamation money upon conviction thereof at the court of general sessions of the peace, oyer and terminer, assize and general goal delivery, and shall be bound over to the said court of general sessions, upon information thereof given upon oath to any justice of the peace.

Fine of £20 on unlicensed tavern keepers.

VI. *Provided always, and be it enacted* by the authority aforesaid, That nothing in this Act contained shall extend or be construed to extend to give or grant any power or authority to the said justices to order the present publick treasurer or receiver or the publick treasurer or receiver for the time being, to grant any such licence to any person or persons who hath or have been bred to and have heretofore used the trade of a carpenter, joiner, bricklayer, plaisterer, shipwright, wheel-wright, smith, shoemaker, taylor, tanner, cabinet maker, or cooper, and shall at the time of his or their application for such order be able and capable, by his or their honest labor and industry, of getting a livelihood and maintaining him or themselves and families, by following, using and exercising the trade or trades aforesaid, to which he or they was or were bred; it being the true intent and meaning of this Act that no such able tradesmen shall, from and after the passing of this Act, keep any common tavern, punch house, tipling house, or billiard table, or commonly sell wine, cyder, beer, brandy, rum, punch, strong drink or other spirituous liquors whatsoever, to be spent or consumed in their respective houses, and that in case they so do they shall be deemed and taken as persons obstinately and upon their own authority taking upon themselves to keep common taverns, punch houses or tipling houses, as aforesaid.

Certain tradesmen not allowed to be licensed as tavern keepers.

VII. *And be it further enacted* by the authority aforesaid, That the penalties or forfeitures expressed in this Act shall be appropriated and applied the one half to his Majesty, his heirs and successors, towards defraying the expence of the watch in Charlestown, and the other moiety to the party that will sue for the same, by action of debt, bill, plaint or information, in his Majesty's court of common pleas or any other court of record in this Province, wherein no essoign, protection or privilege, shall be allowed or admitted, nor any more than one imparlance.

Fines to be recovered by qui tam action in the common pleas.

VIII. And whereas, by the hereinbefore recited Act for regulating taverns and punch houses, it is among other things also enacted, that every person who after the ratification thereof should or did retail any strong liquors, should pay to the public receiver for the time being for each licence for selling the same for the term and time of one year after the date of the said licence, the sum of six pounds current money for retailing of wine and all sorts of strong liquors, and the sum of four pounds current money on any sorts of strong liquors, wine excepted: And whereas, by an Act of the General Assembly, passed on the twenty-second day of September, in the year of our Lord one thousand seven hundred and thirty-three, entitled an Act for the keeping and maintaining a watch and

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Recital of
former Acts.

good orders in Charlestown, it was amongst other things enacted, that from and after the ratification of the said Act every person living in Charlestown that should take out a licence to retail or sell wine or other strong liquors, should pay to the public treasurer the sum of fourteen pounds current money over and above what such person was obliged to pay to the public by virtue of an Act for regulating taverns and punch houses, ratified the twenty-eighth day of June, in the year of our Lord one thousand seven hundred and eleven, and every person living in the said town that should take out a licence to retail or sell rum and other strong liquor (wine excepted) should pay to the public treasurer the sum of ten pounds current money over and above what such person is obliged to pay to the public by virtue of the aforesaid Act for regulating taverns and punch houses; which said additional sums of fourteen pounds and ten pounds on each respective licence the public treasurer was thereby directed and impowered to receive upon his granting such licences, and that the same was and should be thereby appropriated towards the maintenance and payment of the watch therein mentioned; and it was thereby further enacted, that no person whatsoever, living in Charlestown, from and after the ratification of the said Act, should retail or sell any wine, rum, spirits, cyder, or any other strong liquors, under the quantity of three gallons, until he, she or they should have a licence, pursuant to the aforesaid Act for regulating taverns and punch houses, under the penalty of twenty pounds proclamation money for every offence, to be sued for, recovered and applied as by the said last recited Act is directed: And whereas, by another Act of the General Assembly, passed on the fifth day of March, one thousand seven hundred and thirty-six, entitled an additional Act to an Act for keeping and maintaining a watch and good orders in Charlestown, it is amongst other things enacted, that no person whatsoever within this Province, from and after the ratification of the said Act, should retail or sell any wine, rum, spirits, cyder, or any other strong liquors, under the quantity of three gallons, until he, she or they should have a licence, pursuant to the therein and hereinbefore recited Act for regulating taverns and punch houses, under the penalty of twenty pounds proclamation money, to be recovered, applied and disposed as by the said Act is directed; and it is thereby further enacted, that every person living within the parish of St. Philip's, Charlestown, that should take out a licence to retail or sell wine, or other strong liquors, should pay to the public treasurer of this Province the additional sum of ten pounds current money, and every such person as aforesaid that should take out a licence to retail or sell rum or other strong liquors (wine excepted) should pay to the public treasurer the additional sum of seven pounds like current money, over and above what they were obliged to pay for such licences by any law or laws then in force in this Province; which additional sums of ten pounds and seven pounds should be paid and applied towards the payment of the additional watchmen in the said Act mentioned; as by the said several hereinbefore recited Acts appears: *Now it is further enacted* by the authority aforesaid, That instead of the several sums directed to be paid by the several Acts hereinbefore recited, every person who shall keep a tavern or punch house, or shall sell or retail any strong liquors whatsoever under the quantity of three gallons, shall pay to the public treasurer of this Province, for every licence which shall be obtained pursuant to the directions of this Act, the several sums or rates following, that is to say, every person living within the parish of St. Philip's, Charlestown, who shall obtain a licence to keep a tavern or punch house, or to sell or retail any strong liquor whatsoever to be consumed or drank in his or their own

Sums to be paid
for licences
under this Act,
and specifica-
tion of quanti-
ties allowed to
be retailed.

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house or houses, shall pay to the said public treasurer the sum of six pounds proclamation money, or the value thereof in currency; and if such person keeps a billiard table, then he or she shall pay forty shillings proclamation money more, or the value thereof in currency. And every person living in Charlestown who shall sell or retail any strong liquor, under the quantity of three gallons, not to be consumed in his or their own houses, shall pay to the said public treasurer for every such licence the sum of four pounds and four shillings proclamation money, or the value thereof in currency; and every person who shall obtain a licence to keep a tavern or punch house, or to sell or retail any strong liquor whatsoever, to be consumed or drank in his or their own house or houses, in any part of this Province, out of the limits of the parish of St. Philip's, Charlestown, shall pay to the said publick treasurer the sum of one pound five shillings proclamation money, or the value thereof in currency; and if such persons keep a billiard table, then they shall pay forty shillings proclamation money more, or the value thereof in currency; and for every licence to sell or retail any strong liquor whatsoever, under the quantity of three gallons, not to be consumed in his or their own houses, the sum of sixteen shillings proclamation money, or the value thereof in currency. All which said licences shall continue in force but for one year only, and at the expiration thereof may be renewed under the restrictions aforesaid, at the discretion of the justices, to whom application shall be made for the same; and the several sums hereby directed to be paid, shall be paid at the taking out or renewal of every such licence, and shall be applied and disposed for maintaining the watch in Charlestown.

IX. *And be it further enacted* by the authority aforesaid, That if any person keeping a tavern or punch house and billiard table, shall permit or suffer any person or persons whatsoever to play at any billiard table after the sun hath been set one hour, shall for every such offence forfeit the sum of four pounds proclamation money, to be recovered as is directed by the Act for the tryal of small and mean causes, one half to the informer, and the other half towards defraying the expence of the watch in Charlestown.

No billiards to be played later than one hour after sundown.

X. *And be it further enacted* by the authority aforesaid, That this Act shall be and continue of force for and during the term of seven years, and from thence to the end of the next session of the General Assembly, and no longer.

WM. BULL, Jun., *Speaker.*

In the Council Chamber, the 8th day of March, 1741.

Assented to: WILLIAM BULL.

Made perpetual by the Revival Act of March, 1783.

AN ACT for building a Bridge over Combee River, from the Causey to the town of Radnor, and declaring the Fish Pond Bridge in the Parish of St. Bartholomew to be a publick bridge; and for repairing or rebuilding a Bridge now standing in the upper part of the Parishes of St. Thomas and St. Dennis, commonly called Ashbey's Bridge; and for other purposes herein mentioned. No. 681.

(Passed March 8, 1741. *See last volume.*)

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No. 682. AN ACT for discharging the Commissioners appointed by an Act of the General Assembly of this Province to lay out a Road or Causey over Lynch's Island, from any further duty, and for the better and more easy repairing of and keeping the same in repair for the future.

(Passed March 8, 1741. See last volume.)

No. 683. AN ACT RENDERING AND MAKING THE OFFICE OF A CONSTABLE MORE EASY AND LESS EXPENSIVE TO THE PERSONS APPOINTED.

Preamble.

WHEREAS, the constables of the several parishes in this Province are in duty bound, so long as they continue in their offices, to attend at every court of general sessions of the peace, oyer and terminer, assize and general goal delivery, appointed by law to be holden at Charlestown, there to make presentments of what hath been amiss under their cognizance; which, considering the great distance of some parishes from Charlestown, hath been deemed a great hardship upon them, and been lately presented as such by a grand jury for the body of the Province; we therefore humbly pray his most sacred Majesty that it may be enacted,

Constables to attend at court.

I. *And be it enacted*, by the Honourable William Bull, Esq. Lieutenant Governour and Commander-in-chief, by and with the advice and consent of his Majesty's honourable Council and the Commons House of Assembly of this Province, and by the authority of the same, That from and after the passing of this Act the constables of the several parishes of this Province (the parish of St. Philip's, Charlestown, only excepted) shall attend at the said court of general sessions to make their presentments only once in the year, that is to say, such constables as are or shall be appointed at a court held or to be holden in March, shall attend at the court of sessions to be holden that month of the succeeding year; and that such constables as are or shall be appointed at any court to be holden in the month of October, shall attend at the court of general sessions which shall be held in the month of October in the year following; any law, usage or custom to the contrary notwithstanding.

Constables fee paid to the judge and clerk shall hereafter be paid by the public.

II. And whereas, a fee of eight shillings proclamation money to the judge and clerk, for each constable's presentment, discharge, and order for appointing a new constable, hath hitherto been paid by the constable, which hath been deemed a further hardship, and likewise been presented as such by the grand jury; *Be it therefore further enacted* by the authority aforesaid, That from and after the passing of this Act, the said fee of eight shillings proclamation money shall be paid to the said judge and clerk by the public of this Province.

Limitation seven years.

III. *And be it further enacted* by the authority aforesaid, That this Act and every matter and thing therein contained shall continue and be of force for and during the term of seven years, and from thence to the end of the next session of the General Assembly after, and no longer.

WM. BULL, Jr. *Speaker.*

In the Council Chamber, the 8th day of March, 1741.

Assented to: WILLIAM BULL.

A. D. 1741.

No. 684.

AN ACT TO REVIVE AND CONTINUE THE SEVERAL ACTS THEREIN MENTIONED; AND TO OBLIGE THE COMMANDERS OF THE WATCH IN CHARLESTOWN TO DO EQUAL DUTY, AND FOR SETTLING THEIR SALARIES.

WHEREAS, several wholesome and beneficial temporary laws of this Province are expired or near expiring; we humbly pray your most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted*, by the Honourable William Bull, Esq. Lieutenant Governour, and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council and the Commons House of Assembly of this Province, and by the authority of the same, That an Act of the General Assembly of this Province entitled an Act for granting to his Majesty an additional duty on Madera wine, rum, molasses, flour, Muscovado and clay-ed sugar, for the use of the publick of this Province, passed the ninth day of April, one thousand seven hundred and thirty-four; and one other Act entitled an Act for regulating the Guard at Johnson's fort, and for keeping good order in the several forts and garrisons under the pay and establishment of this Government, and for encouraging the several officers and soldiers therein, passed the fifth day of March, in the year of our Lord one thousand seven hundred and thirty-six; and one other Act entitled an additional Act to an Act entitled an Act for the keeping and maintaining a watch and good orders in Charlestown, passed the fifth day of March, in the year of our Lord one thousand seven hundred and thirty-six; and one other Act entitled an Act for licensing Hawkers and Pedlars and petty chapmen, and to prevent their trading with indented servants, overseers, negroes and other slaves, passed the eleventh day of September, in the year of our Lord one thousand seven hundred and thirty-seven; and one other Act entitled an Act for the better regulating the Militia, passed the eleventh day of March, in the year of our Lord one thousand seven hundred and thirty-seven; and one other Act entitled an additional and explanatory Act to an Act for the better regulating of the Militia of this Province, passed the third day of April, one thousand seven hundred and thirty-nine; and one other Act entitled an Act for encouraging the raising of Hemp, Flax and Silk within the Province of South Carolina, passed the twenty-ninth day of May, one thousand seven hundred and thirty-six; and one other Act entitled an Act for the further security and better defence of this Province, passed the eighteenth day of September, one thousand seven hundred and thirty-eight; and one other Act, entitled an Act for preserving peace and continuing a good correspondence with the Indians who are in friendship with the Government of South Carolina, and for regulating the trade with the said Indians, passed the eleventh day of April, one thousand seven hundred and thirty-nine; and one other Act entitled an Act to prevent frauds and deceits in selling Rice, Pitch, Tar, Rosin, Turpentine, Beef, Pork, Shingles and fire-wood, passed the twenty-fifth day of March, in the year of our Lord one thousand seven hundred and thirty-eight—be and are hereby declared to be revived and continued, and enacted to be of full force and virtue for and during and unto the full end and term of three years after the passing of this Act, and from thence to the end of the next session of the General Assembly, and no longer.

Enumeration of
Acts revived
and continued.

A. D. 1741.

Commanders
of the watch.

II. And whereas, by an Act of the General Assembly entitled an Act for the keeping and maintaining of a Watch and good orders in Charles-town, it is, among other things, enacted that the sum of three hundred pounds current money, per annum, should be paid to the principal officer or commander of the watch, for his whole salary, and for wood and candles to be supplied by him for the said watch, and the sum of one hundred pounds like money per annum to the two subaltern officers of the said watch; and whereas, it has been found that the duty of the commanders of the watch has been as well performed by the subalterns as the principal, for which reason they ought to be allowed and have the same pay; *Be it therefore enacted* by the authority aforesaid, That the said commanders of the watch shall for the future be each liable to do duty alike, and shall be each allowed the sum of one hundred and sixty-six pounds, thirteen shillings and four pence current money, to be paid to them respectively by equal half yearly payments as by the said Act is directed; and each of the commanders of the said watch shall be obliged on their respective watch nights to find and supply wood and candles; any thing in the said Act or any other law, usage or custom to the contrary notwithstanding.

WM. BULL, Jun., *Speaker*.*In the Council Chamber, the 8th day of April, 1741.**Assented to:* WM. BULL.

No. 685. *AN ACT* FOR RAISING A PUBLIC STORE OF GUN-POWDER FOR THE DEFENCE OF THE PROVINCE OF SOUTH CAROLINA.

Preamble.

WHEREAS, it is absolutely necessary for the future security and defence of this Province, that there should be a sufficient store of gun-powder always in readiness; we therefor humbly pray your most sacred majesty that it may be enacted,

Half a lb. of
gunpowder per
tun of the
tunnage of
each vessel
imposed.

I. *And be it enacted*, by the Honorable William Bull, Esq. Lieutenant Governor and Commander-in-Chief in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council, and the Commons House of Assembly of this Province, and by the authority of the same, That every commander or master of any ship or vessel that now is, or hereafter shall come into any port, creek or harbour in this Province, shall make a true and just entry in the Powder receiver's office, in such port, of the burthen and tunnage of his ship or vessel; and every such commander or master shall pay and deliver the full and just quantity of half a pound of good and clean serviceable gun-powder for every and each tun that his ship or vessel doth or shall measure and contain by the rule hereinafter mentioned; and for want of such powder to be paid and delivered as aforesaid, the commander or master shall pay or cause to be paid the sum of two shillings proclamation money, or the value thereof in currency, for every tun which his ship or vessel doth or shall measure by the rule or contain as aforesaid.

Book of ac-
counts to be
kept.

II. *And be it further enacted* by the authority aforesaid, That the powder receiver in each port shall keep a fair book of accounts, with the name of the master and the name and burthen of the vessel, with the quantity of powder or money so received, and an account thereof to the General Assembly shall render, or to any other person or persons by them appointed, as often as shall be required.

A. D. 1741.

III. *And be it further enacted* by the authority aforesaid, That all merchants and other persons who keep powder in Charlestown shall put the same into the magazine, and shall all (except the commanders of his Majesty's ships) pay to the powder receiver for his care and trouble of taking in and delivering out and for the time it shall be there (be it more or less) the sum of one shilling proclamation money, or the value thereof in currency, for every barrel containing one hundred pounds weight, and so in proportion for a greater or less quantity, and no more or any other fee or reward whatsoever, any law, usage or custom to the contrary thereof in any wise notwithstanding; and no person whatsoever, inhabitant of Charlestown, shall keep in any house in Charlestown at one time more than one quarter of a barrel of gun-powder, under the penalty of ten pounds proclamation money, or the value thereof in currency, for every forty-eight hours he shall keep in any house as aforesaid more than a quarter of a barrel as aforesaid, to be recovered by action of debt, bill, plaint or information in any court of record in this province, one half thereof to the church wardens of the Parish of St. Philips, Charlestown, for the use of the poor of the said parish, and the other half to him or them that will inform and sue for the same; any thing in any other act contained to the contrary hereof notwithstanding.

Powder kept in Charlestown to be put into the powder magazine, and thence re-delivered.

No more than 1-4 barrel to be kept in any house in Charlestown.

Penalty.

IV. *And whereas*, the powder belonging to his Majesty's ships is often lodged in the public magazine, which occasions the attendance of the powder receiver to receive and deliver out the same, and he having no salary nor provision made for that service, *Be it therefore enacted* by the authority aforesaid, That the powder receiver in any port of this Province shall be intitled to a fee of nine pence proclamation money each time for every whole barrel, and so in proportion for every other barrel of powder belonging to his Majesty's ships, which shall be taken into and delivered out of the public magazine, to be paid unto him by the commander who shall send the same to the said magazine, or by the person fetching it away again by the said commander's directions.

Fee of the powder receiver.

V. *And be it further enacted* by the authority aforesaid, That if the powder receiver in any port do not give his attendance in his office during the usual office hours (Sundays and holy-days excepted) and duly clear out any commander or master of a vessel applying for and intitled to the same, and also receive into his custody whatever powder shall be tendered to him, and again deliver out the same, or any one barrel thereof, when thereunto required, or if he suffer any damage or embezelment to accrue by his means to any powder committed to his custody, such powder receiver shall be liable to pay double for all the damages the public or any other person or persons shall sustain through such his default or neglect, to be recovered, if the sum is under twenty pounds current money, as is directed by an act for the tryal of small and mean causes, and if the sum exceeds twenty pounds, to be recovered by bill, plaint or information, in any court of record in this Province, by him or them that will sue for the same, wherein no privilege, protection or wager of law shall be allowed or admitted, nor any more than one imparlance; and one half of all such fines and forfeitures as shall become due by virtue of this act, shall go to his Majesty for the use of the public of this Province, and the other half to the informer.

Penalty of the powder receiver for neglect of duty.

VI. *And be it further enacted* by the authority aforesaid, That all ships and vessels that are, or shall be hereafter built, or do belong to this Province, and whose owners are inhabitants of this Province, shall be exempted from paying any powder, or money in lieu thereof, for such part of such ship or vessel as shall be owned by the inhabitants of this Province.

Owners of vessels belonging to this Province, exempted from the powder duty.

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No certificate of clearance to be given till the powder duty is paid.

VII. *And be it further enacted* by the authority aforesaid, That no ship or vessel shall be cleared in the Secretary's office in Charlestown or any other port until the said master produce a certificate from the powder receiver of such port, (for which certificate the said master shall pay the powder receiver two shillings proclamation money, or the value thereof in currency) mentioning the powder he hath received, or money in lieu thereof, as this act directs, on penalty that the Secretary for the time being shall pay to the powder receiver all such powder or sums of money as shall be due from such ship or vessel.

Oath to be taken as to the dimensions of the vessels.

Mode of calculating tonnage.

VIII. And forasmuch as heretofore masters of vessels coming into this Province have made short entrys with the powder receiver of the burthen of their vessels; for the prevention thereof, *Be it further enacted* by the authority aforesaid, That all masters or owners of vessels who shall hereafter arrive in this Province shall make oath before the powder receiver in the port where such vessel shall arrive, who is hereby impowered to administer the same, of the length of keel, breadth of beam, and depth of hold, of their respective vessel, and the breadth being multiplied by the length, and that again multiplied by the depth and divided by ninety-five, the product thereof shall be reckoned and accounted the burthen of such vessel; and that every master or owner of any ship or vessel shall pay so much powder per tun into the hands of the said powder receiver, for the use of the public, as by this act is directed; and in case the master or owner of any ship or vessel shall refuse to make oath before the said powder receiver to the length, breadth and depth of his ship or vessel as aforesaid, or shall declare to the said powder receiver that he knows not the aforesaid dimensions of his ship or vessel, and therefore cannot make oath to the same, that then he shall immediately go on board his respective ship or vessel to inform himself of the measure and dimensions aforesaid; or upon any master or owners so refusing to do, then the said powder receiver is hereby impowered to repair on board and measure such ship or vessel in manner aforesaid; for which he shall be allowed by such master or owner neglecting or refusing to make oath, or go on board as aforesaid, the sum of four pounds proclamation money, or the value thereof in currency, to be recovered as is directed by the Act for the tryal of small and mean causes.

Indemnification of the powder receiver.

IX. And whereas, Col. Miles Brewton, the present powder receiver, hath received the powder or money for powder which was directed to be paid by the masters or owners of all ships or vessels coming into this Province by an Act intituled an Act for the raising a public store of powder since the expiration of the said Act, *Be it therefore enacted* by the authority aforesaid, that the said Miles Brewton, and all others acting under him in the taking and receiving such powder or money in any manner aforesaid, since the expiration of the said Act, shall be, and he and they is and are hereby indemnified for so doing; and shall be acquitted and discharged of and from all actions and suits that shall or may be brought, prosecuted or commenced against him or them for or by reason thereof, any law, statute, usage or custom to the contrary thereof in any wise notwithstanding.

WILLIAM BULL, Jun., *Speaker.*

In the Council Chamber, the 8th day of March, 1741.

Assented to: WM. BULL.

A. D. 1741.

No. 686.

AN ACT TO ENCOURAGE AND INDUCE HANDICRAFT TRADESMEN, SHOP-KEEPERS AND OTHERS, TO SETTLE IN TOWNS AND VILLAGES UPON THE PASSES OVER RIVERS AND OTHER PLACES IN THIS PROVINCE.

WHEREAS, several small towns and villages have already been laid out and others are proposed to be laid, upon or near the ferrys or passes over rivers, and in other places in this Province, which may add very much to the strength and security of the Province, by bringing together numbers of people to settle in united bodys; we therefore humbly pray your most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted*, by the Honourable William Bull, Esquire, Lieutenant Governour and Commander-in-chief, in and over this Province, by and with the advice and consent of his Majesty's Honourable Council and the Commons House of Assembly of this Province, and by the authority of the same, That every white man, being free and a protestant, who hath already purchased or hereafter shall purchase a lot of land and build or cause to be built a house thereon, or hath already taken, or hereafter shall take or hire a house in any of the towns or villages already laid out or hereafter to be laid out (Charlestown, Georgetown, Beaufort, or any other sea port town hereafter to be erected, excepted) shall during his actual residence within the limits of the plats of the said towns or villages, be freed and exempted from contributing or paying any thing for or towards the provincial taxes which shall hereafter be imposed upon his Majesty's subjects for the support of the Government or otherwise, unless the tax of such persons exceeds the sum of forty shillings proclamation money, and shall also be freed, exempted and discharged from appearing and serving upon any juries or inquests whatsoever or wheresoever the same may be summoned or called, (coroners inquests to be taken within the town or village where such person so exempted as aforesaid shall actually reside, only excepted) and shall also be freed, exempted and discharged from appearing at all common musters, if the place of muster exceeds four miles from such town or village, and from riding patrol, and also, they, their servants and slaves actually residing within such towns or villages, shall during their actual residence therein, be freed and exempted from working upon the highways or roads, or contributing any thing towards the making or repairing the same: any law, usage or custom to the contrary notwithstanding.

Settlers in the villages exempted from taxation.

And from serving on juries and inquests, except coroners' inquests.

And from road duty.

II. *And be it further enacted* by the authority aforesaid, That from and after the twenty-ninth day of September, which shall be in the year of our Lord one thousand seven hundred and forty-two, no guns, swords, cutlasses or other offensive weapons, gunpowder, bullets or shot, shall be kept in any shop or store without the limits of Charlestown plat, in order to be exposed to sale, or shall be exposed to sale by any person or persons whatsoever, except such shop or store shall be kept within some town, village, or other place in the country having ten white men living within a quarter of a mile of such store, upon pain of forfeiting the sum of four pounds proclamation money for every such offence, the one moiety to his Majesty, his heirs and successors, to be applied by the General Assembly of this Province for and towards the support of the Government thereof, and the other moiety to him or them who will sue for the same, to be recovered by warrant of distress from any one justice of the peace; any law, usage or custom to the contrary notwithstanding.

Arms not to be exposed for sale unless in certain neighborhoods.

Penalty.

A. D. 1741.

Location to be approved by the Governor.

III. *And be it further enacted* by the authority aforesaid, That no town or village already laid out or which shall be hereafter laid out, shall be intitled to the privileges above mentioned, unless the situation of the same be first approved of by the Governour or Commander-in-chief for the time being and a majority of his Majesty's Council, and an exact plat thereof, clearly distinguishing the several streets and lots, returned into the secretary's office within nine months from the passing this Act, or within nine months from the time of laying out such town or village.

Return of towns and villages to be recorded and not to be altered.

IV. *And be it further enacted* by the authority aforesaid, That all and every such plat or survey, plats or surveys, as is or are by this Act directed to be returned into the secretary's office, shall for ever thereafter remain there as of record and not be changed or altered by any person or persons upon any pretence or pretences whatsoever.

Persons exempted from being jurors to obtain a certificate and transmit it to the clerk of the peace.

V. *And be it further enacted* by the authority aforesaid, That every person who is or shall by virtue of this Act be exempted from serving on juries and inquests, shall upon his settling in any such town or village as aforesaid, obtain a certificate from the next justice of the peace of such his settlement, and shall transmit the same to the office of the clerk of the crown and peace in Charlestown, within forty days after the date of such certificate, on pain of forfeiting the benefit of such privilege or exemption.

Limited to ten years.

VI. *And be it further enacted* by the authority aforesaid, That the several privileges and exemptions hereby granted to the settlers in towns and villages as aforesaid, shall continue and remain for and during the term of ten years from the time of passing this Act, and from thence to the end of the next session of the General Assembly, and no longer.

WM. BULL, Jun., *Speaker.*

In the Council Chamber, the 8th day of March, 1741.

Assented to : WM. BULL.

No. 687. AN ACT for settling a Ferry on Santee River, in the way leading from Charlestown to Williamburgh, and for vesting the said ferry in Joseph Murray, his executors, administrators and assigns, for seven years; and to enable the Commissioners of the public roads near the said Ferry to lay out, make and keep in repair a road on each side of the said River, leading towards the said Ferry; and for declaring the road leading from Wadboo Bridge to Palmer's Ferry to be a private road; and for continuing the roads in the Parish of St. John, in Berkley County, to the places therein mentioned.

(Passed 8th March, 1741. *See last volume.*)

No. 688. AN ACT for raising and granting to his Majesty the sum of thirty-eight thousand nine hundred and fifty-three pounds three shillings and two pence farthing, and for applying the sum of eight thousand six hundred and ninety-two pounds thirteen shillings and eight pence three farthings, (being the surplus of several funds) now lying in the hands of the Treasurer, for defraying the charges of the Government for one year, commencing the twenty-fifth day of March, in the year of our Lord one thousand seven hundred and forty-one, inclusive, and ending the twenty-fifth day of March, one thousand seven hundred and forty-two, exclusive.

(Passed March 8th, 1741.)

A. D. 1741.

AN ACT for granting to his Majesty the sum of forty-four thousand nine hundred and thirty-two pounds seventeen shillings and four pence half-penny, current money, for defraying the charges of the Government for one year, commencing the twenty-fifth day of March, in the year of our Lord one thousand seven hundred and forty, inclusive, and ending the twenty-fifth day of March, one thousand seven hundred and forty-one, exclusive.

No. 689.

(Passed March 26th, 1741.)


AN ACT FOR FURTHER SECURING HIS MAJESTY'S PROVINCE OF SOUTH CAROLINA BY ENCOURAGEING PROTESTANTS TO BECOME SETTLERS THEREIN.

No. 690.

WHEREAS, his most sacred Majesty hath been graciously pleased, by warrant bearing date the twentieth day of July, in the year of our Lord one thousand seven hundred and thirty-eight, to order and direct that the surveyor general of the lands in this his Province of South Carolina, do survey and lay out unto John Cartwright, of the parish of St. James, within the liberty of Westminster, in the county of Middlesex, gentleman, and his associates, two hundred thousand acres of land, between the rivers Santee and Wateree, in four different parcels of fifty thousand acres each, and to be laid out as contiguous as may be, but none of them to be at greater distance than ten miles from some or other of them; provided, the said lands were not already granted to any other person; and that the Governour or Commander-in-chief of South Carolina for the time being, do pass grants under the seal of the said Province to the said John Cartwright and his associates, of the said four parcels of land, in such proportions as they should require of him, but no proportion to contain less than twelve thousand acres; and that all the said grants be passed immediately upon the return of the surveys made to the said Governour or Commander-in-chief, and do bear equal date with each other; provided, the said lands be not already granted to any other persons; and provided, that the said John Cartwright and his associates do pay the usual fees for passing the said grants, and do settle on the said lands one thousand protestants within the space of ten years from the date of the said grants; and whereas, the right and interest of and in the said lands is vested in the Honourable John Selwyn, (of the parish of St. James's,) Esquire, in whose name application hath been made to the General Assembly of this Province, to exempt and discharge the said John Selwyn and such other persons as shall become settlers under him upon the said lands, from the payment of provincial taxes, for the full space and term of ten years from the date of the grants that are to be made out to the said John Selwyn in pursuance of his Majesty's directions in the above recited warrant; wherefore, for giving all proper and fitting encouragement to the further strengthening of this Province by increasing the number of white protestant inhabitants, we humbly pray his most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted*, by the Honourable William Bull, Esquire, Lieutenant Governour and Commander-in-chief, in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council and the Commons House of Assembly of

A. D. 1741.

 John Selwyn
 and heirs, being
 protestants, are
 exempted from
 taxation for ten
 years.

this Province, and by the authority of the same, That the said John Selwyn, Esq., be and he and his heirs and assigns, being protestants, are hereby declared to be exempted, freed and discharged from paying any provincial tax for the said lands, for the term of ten years from the date of the said grants; and all and every other white protestant, person and persons, who shall after passing this Act import themselves or come into this Province from any other country or Province, and become settlers and inhabitants on the said lands so to be granted by virtue of the said warrant, shall during their settling and inhabiting on the said lands, (provided the same exceed not the term of ten years from the date of the said grants,) be exempted and discharged from paying all Provincial taxes for the said land, imposed or laid, or to be imposed or laid, by virtue of any Act or Acts of the General Assembly of this Province; any thing in any Act of the General Assembly or any other law, usage or custom to the contrary thereof in any wise notwithstanding.

Warrant to be
 made out with-
 in three years.

II. *Provided always, and be it further enacted* by the authority aforesaid, That the foregoing exemption of the said John Selwyn, his heirs and assigns, being protestants, and the protestant new settlers on the said land, shall be wholly void and of none effect, and shall on no account or pretence take place, unless the said grants to be made out in pursuance of the said warrant, be made and perfected within the space of three years from the time of passing this Act; any thing herein before contained to the contrary thereof in any wise notwithstanding.

WM. BULL, Jun., *Speaker.*

In the Council Chamber, the 3rd day of July, 1741.

Assented to: WM. BULL.

No. 691. AN ACT to appoint Commissioners to lay out a Road from the corner of Capt. Th. Johnson's plantation fence north westward to Stead's Creek, and from thence westward, so as may best suit the lands lying on Edisto River, and to impower the said Commissioners to continue the said Road to the line of Orangeburgh Township, or to lay out any bye Road or Roads into the said Road.

(Passed 3rd July, 1741. *See last volume.*)

No. 692. AN ADDITIONAL AND EXPLANATORY ACT to an Act intituled an Act to impower the several Commissioners of the high roads, private paths, bridges, creeks, causeys, and cleansing of water passages in this Province of South Carolina, to alter and lay out the same, for the more direct and better convenience of the inhabitants thereof.

(Passed 3rd July, 1741. *See last volume.*)

A. D. 1742.

AN ORDINANCE FOR APPOINTING ROBERT AUSTIN, ESQUIRE, COMPTROLLER OF THE COUNTRY DUTYS OF THIS PROVINCE. *No. 693.*

WHEREAS, Mr. John Hext, the late comptroller of the country dutys, is deceased, and it is necessary that some other fit person should be appointed in his room pursuant to the directions of the Act of the General Assembly in that case made and provided;

I. *Be it therefore ordained*, by the concurrence of the Honourable William Bull, Esquire, Lieutenant Governour and Commander-in-chief in and over his Majesty's Province of South Carolina, and the Honourable the Upper House of Assembly, and the Commons House of Assembly of this Province, and by the authority of the same, That Robert Austin, Esq. be, and he shall and is hereby declared and ordained to be comptroller of the country dutys of this Province, to all intents and purposes whatsoever.

In the Upper House of Assembly, the 25th day of May, 1742.

Concurred to: JOHN FENWICKE.

In the Commons House of Assembly, the 25th day of May, 1742.

By order of the House.

WM. BULL, Jun., *Speaker.*

Assented to: WILLIAM BULL.

AN ACT to amend and supply certain defects in the laws now in being, for cutting, cleansing, clearing and making navigable the several creeks, cut-offs and water passages in this Province. *No. 694.*

(Passed 3rd June, 1742. *See last volume.*)

AN ACT FOR THE IMMEDIATE RELIEF OF THE COLONY OF GEORGIA, AND FOR THE DEFENCE OF THIS PROVINCE. *No. 695.*

WHEREAS, a considerable body of Spanish troops are already actually landed in the Colony of Georgia, and a large fleet of Spanish ships and vessels are hovering upon the sea coasts, so that there is an absolute necessity with all possible expedition to fit out ships and raise a number of forces sufficient (with the divine assistance) to repel his Majesty's enemys, and to contribute the utmost of our power to the defence of the Colony of Georgia and this Province; and whereas, it is impracticable in this time of immediate danger to levy a sufficient sum by taxes on the inhabitants to answer the purposes aforesaid; and whereas, nothing but the apparent and inevitable ruin with which these colonies are immediately threatened could induce us to engage in measures which have met with his Majesty's disapprobation, we humbly hope for and implore his Majesty's royal favour and indulgence in this great exigency, and therefore pray his most sacred Majesty that it may be enacted,

Preamble.

A. D. 1742.

Grant of
63,000l.
currency.

I. *And be it enacted*, by the Honourable William Bull, Esq. Lieutenant Governour and Commander-in-chief in and over this Province, by and with the advice and consent of his Majesty's honourable Council and the Commons House of Assembly of this Province, and by the authority of the same, That it shall and may be lawful for the commissioners herein-after named, and the said commissioners are hereby required with all convenient speed to procure two sets of orders to be stamped, equal to the sum of sixty-three thousand pounds current money of this Province, and no more, that is to say, four thousand two hundred orders of the denomination of ten pounds, and four thousand two hundred orders of the denomination of five pounds.

Form of the
orders.

II. And that the said orders may be the better known to be warranted by this Act, *It is hereby further enacted*, that the said orders, with such signatures and devices as the commissioners shall think fit, shall be in the words following :

"SOUTH CAROLINA.

Number.

"This order intitles the bearer to a credit equal to ——— pounds in the "current money of this Province, and shall be received by the publick "treasurer in payment of all taxes and dutys whatever. Dated the ——— "day of ———, in the sixteenth year of his Majesty's reign."

To be number-
ed, signed and
delivered to the
public treasu-
rer.

III. *And be it further enacted* by the authority aforesaid, That the said orders, when they shall be so stamped and prepared, shall be regularly numbered, and shall be signed by the said commissioners, with their names subscribed unto the same; and after deducting the charges of stamping the said orders, the said commissioners shall deliver them into the hands of the public treasurer without any delay.

Appropriation
of the orders

IV. *And be it further enacted* by the authority aforesaid, That the aforesaid orders shall be paid out and issued by the publick treasurer, in manner hereinafter directed, that is to say, to the public treasurer for his receiving the said orders and for issuing the same, the sum of two hundred pounds; to the commissary general, two hundred pounds in full for all his services in buying provisions and other necessaries for the said service, and for signing the certificates hereinafter mentioned; to the officer having the command in chief of the forces in the pay of this Province, one hundred and fifty pounds, per month; to the captains of every ship or vessel employed in the said service, fifty pounds per month, each; to the lieutenants, each, thirty pounds per month; to the masters, each, thirty pounds per month; to the quarter masters, each, twenty pounds per month; for a clerk and steward to each ship or vessel, twenty-five pounds per month; to the gunners, each, twenty-five pounds per month; to the boatswains, each, twenty pounds per month; to the carpenters, each, twenty-five pounds per month; to the surgeons, each, forty pounds per month; to the surgeons-mates, each, twenty-five pounds per month; to the private men, each, fifteen pounds per month; to the captain of the rangers, forty pounds per month; to the lieutenant, thirty pounds per month; and for twenty-three private men, (to find themselves with horses, accoutrements and provisions,) twenty-five pounds each, per month; and for each slave that shall be employed in the said service, seven shillings and six pence per day; and all contingent charges arising for the said service shall be paid pursuant to the order of his honour the Lieutenant Governour.

Captains of
vessels to make
out certificates.

V. *And be it further enacted* by the authority aforesaid, That the said captains of each ship or vessel respectively, and the said captain of the rangers, shall keep a muster roll of the several men employed in the said service under their command, and shall make out certificates, to be directed to the public treasurer, of the pay due to the officers and men so to

be employed in the said ships or vessels and rangers as aforesaid, signed by the commissary general, and shall be delivered to the persons respectively to whom the same shall be due; and the publick treasurer shall, and is hereby required to pay the possessors of such certificates the sums therein mentioned. A. D. 1743.

VI. *And be it further enacted* by the authority aforesaid, That the said orders, according to their several denominations, shall pass in payment to the publick treasurer for the value equal to so much current money of this Province, as is mentioned in the denomination of each order. The orders to pass in payment.

VII. *And be it further enacted* by the authority aforesaid, That the Honourable James Kinloch and Charles Pinckney, Esqs., Isaac Mazyck, Jacob Motte and George Austin, Esqs., be and they are hereby appointed commissioners for the stamping, signing and making the said orders. Commissioners nominated.

VIII. *And be it further enacted* by the authority aforesaid, That the said orders issued by virtue of this Act shall be applied solely to defraying the charges and expences which shall be occasioned by the assistance intended to be given to the colony of Georgia, and in defence of this Province against his Majesty's enemies, and to no other use, intent or purpose whatsoever, and shall be called in and sunk within ten years from the time of issuing the same, at one tenth part thereof in every year, by general taxes, to be levied yearly and every year, on all the inhabitants of this Province. Sums raised to be applied to the purposes of aiding Georgia.

IX. *And be it further enacted* by the authority aforesaid, That any person who shall counterfeit, raise or alter any of the said orders so to be printed and issued out by virtue of this Act, or shall offer the same in payment knowing the same to be counterfeited, raised or altered, and every person or persons that shall assist, abet or procure the counterfeiting, raising or altering such orders, being thereof duly convicted, are hereby declared and deemed guilty of felony, and shall suffer death as felons without benefit of the clergy. Penalty on counterfeiting.

WM. BULL, Jun., *Speaker.*

In the Council Chamber, the 10th day of July, 1742.

Assented to: WM. BULL.

AN ACT for raising and granting to his Majesty the sum of fifty-one thousand one hundred and ninety-five pounds eleven shillings and six pence, and for applying the sum of four thousand one hundred and seventy-eight pounds six shillings and three farthings, being the surplus of the tax raised in the year of our Lord one thousand seven hundred and forty-one, for defraying the charges of the government for one year, commencing the twenty-fifth day of March, in the year of our Lord one thousand seven hundred and forty-two, inclusive, and ending the twenty-fifth day of March, one thousand seven hundred and forty-three, exclusive. No. 696.

(Passed May 7, 1743.)

AN ORDINANCE FOR THE APPOINTING OF RECEIVERS, COMPTROLLERS, AND WAITERS OF THE COUNTRY DUTIES, FOR THE PORTS OF BEAUFORD, PORT ROYAL, AND GEORGETOWN, WINYAW. No. 697.

WHEREAS, there are no persons at present, properly authorised, for receiving the several duties and impositions, arising on the importation

A. D. 1743.

of goods, wares, and merchandizes, at the port of Beauford, Port Royal, or the Port of Georgetown, Winyaw ;

I. *Be it ordained*, by the Honourable William Bull, Esq. Lieutenant Governour and Commander-in-Chief in and over this, his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honourable Council and the Commons House of Assembly of this Province, and by the authority of the same, That Captain Richard Wigg is hereby ordained to be receiver, and Mr. George Levingston to be comptroller, of all and every the country duties, rates, and impositions, laid and imposed, or to be laid and imposed, by the laws of this Province, on goods, wares, and merchandizes imported into or exported from the port of Beauford, Port Royal. And William Whitesides is hereby ordained to be receiver, and Captain Thomas Blythe to be comptroller, of all and every the country duties, rates, and impositions imposed, or to be laid and imposed, by the laws of this Province, on goods, wares, and merchandizes, imported into, or exported from the port of Georgetown, Winyaw ; and the said Richard Wigg, William Whitesides, George Levingston, and Thomas Blythe, respectively, shall have all, and the same powers and authorities, and the same fees for receiving, collecting, and gathering in the several duties and impositions aforesaid, and comptrolling and granting permits for landing goods, wares, and merchandize, imported and arising within their respective districts, as the public treasurer of this Province, and the country comptroller in Charlestown, have, or hath for receiving, collecting, or gathering in the country duties, or comptrolling or granting permits for landing goods, wares, and merchandizes, in any other parts of this Province.

II. *And be it further ordained* by the authority aforesaid, That the said Richard Wigg and William Whitesides, respectively, shall be and they are hereby directed and required, to transmit every six months, accounts in writing, to the public treasurer of this Province, for the time being, of all their receipts of the said duties and impositions, and to account and be answerable for the monies arising by the same to the public treasurer, pursuant to the directions of the several Acts of the General Assembly, by which the same are made payable.

III. *And be it further ordained* by the authority aforesaid, That Richard Hazelton is hereby appointed country waiter, for the town and port of Beauford, Port Royal ; and Captain Jonathan Skrine, country waiter for the town and port of Georgetown, Winyaw ; who shall have in their respective districts, the same powers, rights, and authorities, as the country waiter in Charlestown hath, or doth exercise, or enjoy, by the laws of this Province.

In the Upper House of Assembly, the 7th day of May, 1743.

By order of the House,

JAMES KINLOCK.

In the Commons House of Assembly, the 7th day of May, 1743.

By order of the House,

BENJ. WHITAKER, *Speaker.*

In the Council Chamber, the 7th day of May, 1743.

Assented to : WM. BULL.

A. D. 1743.

No. 698.

AN ACT FOR THE ENCOURAGEMENT OF MR. GEORGE TIMMONS, IN HIS
PROJECTION OF A NEW INSTRUMENT FOR CLEANING OF RICE.

WHEREAS, Mr. George Timmons of St. John's Parish in Colleton county, hath found out a new method of cleaning of rice, which in all probability will be very advantageous and beneficial to the inhabitants of this Province, in respect that it may be done with more ease and less charge than has hitherto been used among us; to the end, therefore, that all due encouragement be given to ingenuity and industry, when it tends to the public good, we therefore pray your most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted*, by the Honourable William Bull, Esq., Lieutenant Governor and Commander-in-Chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honourable Council, and the Commons House of Assembly of this Province, and by the authority of the same, That the said George Timmons, his heirs, executors, administrators, and assigns, shall, for the term of ten years, to commence from the time of passing of this Act, have the sole privilege and advantage of making and framing the said new machine or engine, for the cleaning of rice; and if any person or persons whatsoever, during the time hereby limited as aforesaid, shall presume to make or use any machine, engine, or contrivance, for the cleaning of rice, according to the projection of the abovesaid George Timmons, without a licence in writing, first obtained under the hand and seal of the said George Timmons, his heirs, executors, administrators, or assigns, he, she, or they, shall respectively forfeit and pay to the said George Timmons, his executors, administrators, or assigns, the sum of ten pounds proclamation money, or the value thereof in the current money of this Province, for every such machine, engine, or contrivance, made, or to be made within the term aforesaid, without such licence as aforesaid, to be recovered in any court of record in this Province by action of debt, bill, plaint, or information, wherein no wager of law, essoin, privilege, or protection, shall be allowed or admitted, nor any more than one imparlance: provided that nothing herein contained shall abridge any person or persons of the liberty of erecting, framing, or using within the term aforesaid, any machine, or engine, that is entirely different as to the manner of lifting the pestles, from the machine or engine of the said George Timmons. And provided also, that in case the said machine or engine shall not be brought to such perfection by the said George Timmons, within the term of two years from the time of passing this Act, as shall be approved by a committee of both Houses of Assembly, then the term hereby granted to the said George Timmons shall cease and be void, and any other person may be at liberty to erect, frame, or use any machine or engine like that of the said George Timmons.

BENJ. WHITAKER, *Speaker.*

In the Council Chamber, the 7th day of May, 1743.

Assented to: WM. BULL.

A. D. 1743.

No. 699. *AN Additional and Explanatory ACT* TO AN ACT ENTITLED AN ACT
TO PREVENT MARINERS AND SEAMEN RUNNING INTO DEBT, AND TO
PREVENT THE DESERTION OF SEAMEN.

Preamble.

WHEREAS, an Act of the General Assembly of this Province, entitled an Act to prevent Mariners and Seamen running into debt, hath been found in some measure defective, by being restrained only to such seamen and mariners as actually belonged to and were under the command of the commander or master of any vessel which at the time of passing the said Act was or at any time thereafter should arrive in this Province, whereby a doubt hath arisen whether the said Act did extend to such seamen whose commanders or vessels had already departed out of this Province before any forfeiture incurred or prosecution commenced by virtue of the said Act; we therefore pray your most sacred Majesty that it may be enacted,

Former Act
extended
throughout the
Province.

I. *And be it enacted*, by the Honourable William Bull, Esq. Lieutenant Governour, and Commander-in-chief in and over your Majesty's Province of South Carolina, by and with the advice and consent of your Majesty's honourable Council and the Commons House of Assembly of the said Province, and by the authority of the same, That from and immediately after the passing of this Act all the clauses contained in the said Act entitled an Act to prevent mariners and seamen running into debt, relating to seamen and mariners, shall be and are hereby construed to extend to all seamen and mariners in general, within this Province, and to all persons entertaining, harbouring or employing them in houses, plantations, or otherwise, whether the masters or vessels to which such seamen belong or did belong, shall have departed out of this Province or not, before any forfeiture incurred or prosecution commenced by virtue of the said Act; provided always, that the said prosecution be commenced within six months after the departure of such master or vessel from this Province, and not afterwards; any thing in the said recited Act or in this Act to the contrary in any wise notwithstanding.

Masters of ves-
sels to make
return of the
mariners to the
Comptroller.

II. *And be it further enacted* by the authority aforesaid, That every master of a vessel hereafter arriving in this Province shall, under the penalty of twenty shillings proclamation money for every neglect, at the time of making his entry with the country comptroller, deliver to the said comptroller a list of the names of all his seamen on board his vessel, together with each of their particular descriptions, which shall be registered in a book for that purpose to be kept by the said comptroller, who shall receive as a fee for the same one shilling proclamation money from every such master, and one shilling proclamation money for every search or copy of such register from any person requiring the same.

Certificate to
be given to
mariners.

III. *And be it further enacted* by the authority aforesaid, That every master of a vessel in this Province, immediately after the passing of this Act shall (under the penalty of four pounds proclamation money for every offence, to be recovered before any one justice of the peace, for the use of the informer, by warrant of distress and sale) deliver upon demand to every mariner under his command requiring the same, a certificate in writing, gratis, of the freedom of such mariner, if the time of his service by agreement, contract or otherwise, is expired; and upon refusal, without just cause, any two justices of the peace are hereby empowered and required upon application to them and due proof, to grant such certificates,

which shall be of equal force with certificates granted by such masters of vessels, for every of which certificates the said justices shall receive four shillings proclamation money, to be paid by the party found in the wrong, and which the master is hereby impowered to deduct out of the mariner's wages, if paid by him for account of any of the mariners found in default. A. D. 1743.
Fee for the same.

IV. *And be it further enacted* by the authority aforesaid, That no master of a ship or vessel within this Province, after the passing of this Act, shall hire, receive or entertain any seamen belonging to any other ship or vessel trading within this Province, without such a certificate as aforesaid, under the penalty of ten pounds proclamation money, to be recovered with costs by any person who will inform and sue for the same in any court of record within this Province, by action of debt, bill, plaint or information, wherein no essoign, protection or wager of law shall be allowed. No master to employ the mariner of another vessel without such certificate.

V. *And be it further enacted* by the authority aforesaid, That every free white person within this Province shall be and is hereby impowered to apprehend and secure deserting or fugitive seamen, or such as they suspect to be so, and upon resistance to call to their assistance free persons or white servants; and if the person endeavouring to apprehend such seamen is the master of a plantation, he is further impowered to call to his assistance negroes or other slaves belonging to the plantation where he resides, and if any slave or slaves shall be killed or maimed in apprehending or securing any such seaman or seamen, the damages sustained by the owner or owners of such slave or slaves, by such killing or maiming, shall be ascertained by two neighbouring justices of the peace, and upon a certificate of the same under the hands and seals of the said justices, shall be paid to the owner or his assigns out of the public treasury. Deserting and fugitive seamen may be taken up.

VI. *And be it further enacted* by the authority aforesaid, That every person apprehending and securing any deserting or fugitive seaman, shall, under the penalty of three pounds proclamation money, bring or cause to be brought such seamen with all convenient speed before the next justice of the peace, to be examined, and if found to be a deserter or without a certificate of discharge, shall by order of the said justice be sent from constable to constable, who are hereby required to receive and conduct such deserter until he is brought to the vessel to which he belongs, to be delivered to the master of the same, upon payment of the rewards and charges by this Act appointed, if such master is known and in this Province, or otherwise to be delivered into the common goal or work-house in Charlestown, there to be kept until the master to whom he belongs demands him and pays the said rewards and charges, provided the said master makes his demand within twenty days after the commitment of such seaman; and if no such demand is made and rewards and charges paid within that time, or in case the vessel to which such seaman did belong is gone out of this Province, then it shall be lawful for the provost marshal or warden of the work-house, and they are hereby required, to deliver any such seaman to any other master of a vessel requiring him and paying the said rewards and charges, to be deducted out of the seaman's wages by every master so paying the same. Deserters apprehended to be taken to a constable.

VII. *And be it further enacted* by the authority aforesaid, That all fugitive seamen from any of his Majesty's ships of war which shall be taken up, shall be delivered either to the provost marshal or to the warden of the work-house, who are hereby respectively required to pay unto the person or persons so delivering any such fugitive seaman the reward and charges by this Act appointed; and the said provost marshal or warden of the work-house shall deliver the said fugitive seaman to his proper cap- His duty.
Fugitive seamen from vessels of war to be delivered to the provost marshal or warden of the work-house.

A. D. 1743.

tain or commander upon being reimbursed the said money and other charges, and such captain or commander shall and may stop it out of the wages due or thereafter accruing due to the said seaman.

Harbouring or
employing
deserters.

Penalty.

VIII. *And be it further enacted* by the authority aforesaid, That every person unlawfully harbouring, entertaining or employing any deserting or fugitive seaman, contrary to the tenor of this Act, or the Act to prevent mariners and seamen running into debt, shall, upon conviction by the oath of one or more credible witnesses, forfeit to such seaman, if he informs, or to any other person who shall inform against such offender, as a reward for his information, four pounds proclamation money, to be recovered by warrant of distress and sale of the offender's goods, over and above the penalties and forfeitures, to be recovered and applied according to the detection of the said Act to prevent mariners and seamen running into debt.

Reward for
apprehending
deserters.

IX. *And be it further enacted* by the authority aforesaid, That every person apprehending a fugitive seaman shall receive as a reward for the same forty shillings proclamation money, to be paid as by this Act is before directed; and the charges, fees and mileage payable to the officers, constables and other persons, directed, impowered or required to put this Act in execution, shall be the same as those limited and ascertained by the following table: that is to say, to the person carrying any fugitive seaman from the place where apprehended to the justice, three pence per mile proclamation money; to the justice before whom such seaman is brought, for examining the matter and order thereon, two shillings like money; to the constable per mile, from the place where he receives to the place where he delivers such seaman, besides ferriage and diet, three pence like money; to the marshal or warden of the work-house, for receiving and discharging each seaman, two shillings and six pence like money; to diet per diem for each seaman, allowing at least one pound of bread and one pound of flesh, wholesome provisions, one shilling and three pence like money.

Ferrymen to
demand a
certificate.

X. *And be it further enacted* by the authority aforesaid, That every person keeping a ferry within this Province, who shall wilfully transport or suffer to be transported over his or her ferry any fugitive seaman, and not having a certificate of discharge directed by this Act, shall, upon conviction before any one of his Majesty's justices of the peace, for every such offence forfeit four pounds proclamation money, for the use of such person as shall inform and sue for the same, to be recovered by warrant of distress and sale of the offender's goods.

General issue
and this Act
given in
evidence.

XI. *And be it further enacted* by the authority aforesaid, That if any action, suit or information shall be commenced or prosecuted against any person or persons for what he, she or they shall do in pursuance or execution of this Act, it shall and may be lawful to and for such person or persons to plead the general issue and give this Act and the special matter in evidence; any law, custom or usage to the contrary in any wise notwithstanding.

Limitation of
the Act, five
years.

XII. *And be it further enacted* by the authority aforesaid, That this Act shall continue and be of force for and during the term of five years from the time of passing this Act, and from thence to the end of the next session of the General Assembly, and no longer.

BENJ. WHITAKER *Speaker.*

In the Council Chamber, the 7th day of May, 1743.

Assented to: WM. BULL.

A. D. 1743.

No. 700.

**AN ACT TO PREVENT STEALING OF HORSES AND NEAT CATTLE, AND
FOR THE MORE EFFECTUAL DISCOVERY AND PUNISHMENT OF SUCH
PERSONS AS SHALL UNLAWFULLY BRAND, MARK OR KILL THE SAME.**

WHEREAS, the laws hitherto provided and in force in this Province are found insufficient to prevent the great evils of stealing horses and neat cattle, and of unlawfully branding, marking or killing the same, whereby the said wicked practices are become very common, to the great discouragement and detriment of the honest inhabitants; for prevention therefore of the said growing wickedness for the future, and that proper encouragement may be given for the discovery of the same, we humbly pray your most sacred Majesty that it may be enacted,

I. *And be it enacted*, by the Honourable William Bull, Esq. Lieutenant Governour, and Commander-in-chief in and over your Majesty's Province of South Carolina, by and with the advice and consent of your Majesty's honourable Council and the Commons House of Assembly of the said Province, and by the authority of the same, That an Act of Parliament made in the first year of the reign of King Edward the Sixth, entitled an Act for the repeal of certain statutes concerning treason and felonies, &c., in so far as the same relates to the felonious stealing of horses, geldings or mares—and also another Act of Parliament, made in the second and third years of the reign of the said King, entitled a Bill for horse and horse stealers, are, and are hereby declared, immediately from and after the passing of this Act, to be in full force in this Province, to all intents and purposes whatsoever.

Act of 1 Edw. 6,
in part re-
enacted.

Also Act 2 & 3
Edw. 6, con-
cerning horse
stealers.

II. *And be it further enacted* by the authority aforesaid, That the justices assigned or to be assigned to keep the peace in the several counties in this Province, shall be, and are hereby appointed, toll-masters in their respective counties, with full power and authority to exercise within their several counties all and every the powers given them as toll-masters by virtue of this Act.

Justices of
Peace may act
as toll-masters.

III. *And be it further enacted* by the authority aforesaid, That the said toll-masters appointed or hereafter to be appointed by virtue of this Act, shall have power to administer oaths to the persons avouching or tolling before them respectively, and are hereby declared to be sufficient judges of the proof of the property of the persons so tolling, and upon such proof appearing sufficient are hereby required and directed to toll or avouch any horse, mare, gelding, colt or filly, for that purpose produced to them or either of them, and in a book for that end to be kept, shall enter the time of sale and the name and place of dwelling of every seller and buyer of the horse, mare, gelding, colt or filly, and the burnt mark or other notable flesh mark thereof, and the price or thing for which the same is sold or exchanged, and shall, under hand and seal, give a certificate of such entry to every person requiring the same, upon the payment of two shillings proclamation money, or the value thereof in current money, for his trouble therein, under the penalty of five pounds proclamation money for every neglect or refusal in any or either of the said toll-masters.

Toll masters
may administer
oaths.

and may decide
on the evidence
brought before
them.

IV. *And be it further enacted* by the authority aforesaid, That after six months from the passing of this Act, no sale or exchange of any horse, mare, gelding, colt or filly in this Province, shall be deemed sufficient in law to transfer the property thereof, without being first avouched and tolled and a certificate of the same obtained as aforesaid; except publick

What sales of
horses, &c.
are valid.

A. D. 1743.

sales by executors or administrators of horses or cattle belonging to the estates of persons deceased, and except sales by the provost marshal or any constable making distresses and levying executions.

Persons importing horses for sale shall bring certificates of avouchment

V. *And be it further enacted* by the authority aforesaid, That all persons bringing any horses, mares, geldings, colts or fillies from the northern provinces into this Province, by land, for sale, shall bring a voucher, under the broad seal or county seals of their respective provinces or countys, describing the burnt mark or other notable flesh mark thereof, under the penalty of ten pounds proclamation money for every such horse, mare, gelding, colt or filly, or the value thereof in current money.

No colts to be branded or marked without previous proof of property therein.

VI. *And be it further enacted* by the authority aforesaid, That after six months from the passing of this Act it shall not be lawful for any person whatsoever within this Province to brand or mark any colt or colts above twelve months old without first proving the property of the same to the satisfaction of some one or other of the toll masters appointed, or hereafter to be appointed by virtue of this Act, under the penalty of four pounds proclamation money for every colt so marked or branded without such proof being first made as aforesaid, for which, and a certificate thereof, the toll master shall receive two shillings proclamation money, or the value thereof in current money.

Killing of neat cattle, the property of other persons.

Penalty.

VII. And whereas, the pernicious practices of branding, marking, or disfiguring horses and neat cattle, and of killing of neat cattle and calves not being the property of the persons so branding, marking, disfiguring, or killing the same, have become very common and notorious, for the prevention whereof no sufficient remedy has hitherto been provided; *Be it therefore further enacted* by the authority aforesaid, That immediately from and after the passing of this Act, every person and persons who shall be lawfully convicted of any or either of the said offences, shall, besides the penalty otherwise inflicted by law, be liable to a fine of twenty pounds proclamation money, for any horse, mare, gelding, colt, or filly, neat cattle, or calf, so branded, marked, disfigured, or killed, and shall be kept close confined in goal, until payment is made of the same; and in case the person so offending shall not have sufficient effects to discharge the said fine, he, she, or they shall receive such corporal punishment, not extending to life or member, as to his Majesty's justices before whom such tryal shall be had shall seem meet.

Reward for informing.

VIII. And for the more effectual discovery of offenders against this Act, *Be it enacted* by the authority aforesaid, That every person or persons informing and giving evidence against any of the said offenders whereby he, she, or they shall be convicted as aforesaid, shall be entitled to the sum of twenty pounds proclamation money, or the value thereof in current money, for every person so convicted, to be paid by the public treasurer upon a certificate of the justices before whom such offender was convicted, and if such informer or informers have been guilty of the same offences themselves, or accessory thereto, he, she, or they are hereby declared to be pardoned, and absolutely acquitted of the same.

IX. *And be it further enacted* by the authority aforesaid, That it shall not be lawful hereafter for any slave whatsoever to brand or mark any horses or neat cattle, but in the presence of some white person, under the penalty of being severely whipped by order of any one or more of his Majesty's justices of the peace, before whom such offence shall be proved by the evidence of any white person or slave.

X. *And be it further enacted* by the authority aforesaid, That every person and persons whatsoever, within this Province, into whose inclosed grounds, hands, or possession, to his or their knowledge, any horses or

neat cattle shall come after six months from the passing of this Act, and the owner or owners of the same are unknown, shall, within twenty days after such horses, or neat cattle, or either of them, come to his or her knowledge, inform one or other of the toll masters thereof, together with the best description he, she, or they can make of the same, under the penalty of four pounds proclamation money for every such neglect; and upon such information and description made as aforesaid, the said toll master shall, under the penalty of forty shillings proclamation money, publish the same with all convenient expedition in the Carolina Gazette, and at any place of divine worship in the parish where the said toll master resides, to be there continued three weeks; and if the owner or owners shall appear and prove his or their property in the same to the satisfaction of the said toll master, he shall immediately deliver, or give an order for the delivery of such horses, or neat cattle, to the said owner or owners, upon being paid the charges of the said advertisements, and four shillings proclamation money for his further trouble, and also such charges and expences as shall by the said toll master be thought reasonable to be paid to the person informing him of the said horses, or neat cattle, or either of them, to be levied by warrant of distress upon refusal; and if no owner appears within the term of twelve months, then, and in such case, it shall be lawful for the said toll master, and he is hereby impowered and required to sell, or cause to be sold the said horses, or neat cattle, or either of them, at public outcry to the best advantage, and the moneys thereby arising, after deduction of lawful charges, shall be paid into the hands of the public treasurer, and applied unto the payment of the rewards given to informers by this Act.

A. D. 1743.

Toll master
may sell after
12 months.

XI. *And be it further enacted* by the authority aforesaid, That managers and overseers of plantations, shall, within the time in this Act limited, give like information and description of strayed horses and neat cattle, or either or any of them, to the toll masters, as the owners of such plantations are obliged to do, and in default thereof, shall be under the same penaltys hereby inflicted upon owners of plantations for such neglect.

Duty of owners
and managers
of plantations.

XII. *And be it further enacted* by the authority aforesaid, That the wilful omission or neglect of any person or persons whatsoever, for the space of forty days after the expiration of the twenty days within which time he, she, or they are required by this Act to give information of strayed horses or neat cattle to the toll masters, shall be taken and is hereby declared to be an evidence of an intention to steal such horses or neat cattle in such person or persons, and shall be admitted and taken as legal evidence of such intention, on the tryal of any such person or persons for feloniously stealing the same, or either or any of them.

Consequence of
omitting to give
notice of stray
horses.

XIII. *And be it further enacted* by the authority aforesaid, That all penaltys and forfeitures inflicted and incurred in and by this Act, not exceeding four pounds proclamation money, shall be recovered in such manner as is directed by an additional Act to an Act for tryal of small and mean causes, and if above four pounds proclamation money, shall be recovered in any court of record in this Province, wherein no essoign, protection, or wager of law, or more than one imparlance, shall be allowed or admitted, the one half of such penaltys and forfeitures to the use of the informer, and the other half to be paid into the hands of the public treasurer for the uses hereinafter mentioned.

Penalties under
£4 to be recovered
under
the Act for
trial of small
and mean
causes.

XIV. *And be it further enacted* by the authority aforesaid, That all fines inflicted by this Act, and the moiety of the penaltys and forfeitures not hereinbefore appropriated, and the sums arising from the sales of

How penalties
are to be ap-
plied.

A. D. 1743.

such horses or neat cattle as shall for non-claim be sold by the toll masters as aforesaid, after deducting the legal charges arising thereon, shall from time to time be paid into the hands of the public treasurer of this Province as a fund to discharge the rewards promised by this Act, and shall from time to time be paid by him to such person or persons as shall be intitled thereto, upon conviction of any offender and certificate thereof by the justices before whom such offender shall be so convicted; and where the said fund shall prove insufficient for the purposes aforesaid, the public treasurer for the time being is hereby impowered and required to pay the said rewards out of such other funds as shall from time to time be directed by the General Assembly.

Captain of companies to cause this Act to be read to their companies.

XV. *And be it further enacted* by the authority aforesaid, That the captains of the several troops of horse and companys of foot in the militia of this Province, shall, within six months after the passing of this Act, cause the same to be publickly read at the heads of their respective troops or companys, under the penalty of forty shillings proclamation money, for such neglect, to be recovered and applied as hereinbefore is directed.

Act of 17th Feb. 1704 repealed.

XVI. *And be it further enacted* by the authority aforesaid, That an Act of the General Assembly of this Province, passed the seventeenth day of February in the year of our Lord one thousand seven hundred and four, entitled an Act to prevent stealing of horses and neat cattle, is hereby repealed.

Limitation 5 years.

XVII. *And be it further enacted* by the authority aforesaid, That this Act shall continue and be of force for the space of five years from the passing thereof, and from thence to the end of the next sessions of the General Assembly, and no longer.

BENJ. WHITAKER, *Speaker.*

In the Council Chamber, the 7th day of May, 1743.

Assented to: WM. BULL.

No. 701. **AN ACT** FOR MAKING SATISFACTION TO PROPRIETORS WHOSE LANDS ARE IN ANY WISE DAMNIFIED BY THE WORKS LATELY ERECTED AND NOW ERECTING AND CARRYING ON, OR WHICH MAY BE THOUGHT NECESSARY TO BE ERECTED AND PROVIDED FOR BY THE GENERAL ASSEMBLY, FOR THE DEFENCE OF CHARLESTOWN, AND FOR VESTING THE LANDS ON WHICH THE SAID WORKS STAND OR MAY STAND, IN THE PUBLIC FOREVER.

Preamble.

WHEREAS, the south and south east parts of Charlestown, from Granville's bastion to Conseiller's creek, have been thought necessary to be fortified for the better defence of the said town against the attacks of his Majesty's enemys on that side; and whereas, the works and lines for that purpose lately erected and now erecting and carrying on, and which may hereafter be thought necessary to be erected and provided for by the General Assembly for the further defence of Charlestown, stand upon and run or may run through the lands of sundry private persons who are or may be thereby damnified, and no sufficient method hath been hitherto provided by law for ascertaining the said damages and making satisfaction for the same to the respective proprietors, and for vesting the lands on which the said works stand or may stand, and through which they pass or may pass,

in the public forever, we therefore pray his most sacred Majesty that it may be enacted, A. D. 1743.

I. *And be it enacted*, by the Honorable William Bull, Esq. Lieutenant Governor and Commander-in-Chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council, and the Commons House of Assembly of the said Province, and by the authority of the same, That the commissioners hereinafter appointed, or any three of them, assembled together, shall be and are hereby authorised and impowered immediately after the passing of this Act, from time to time, to settle and determine all matters upon which any differences may arise between the undertakers and proprietors, or the attorneys or guardians of such proprietors, if minors or under a commission of lunacy, of the lands upon which the said works and lines now or hereafter may stand, and through which they now or hereafter may pass, and to settle, with the consent of the said proprietors, or the attorneys or guardians of such proprietors, what satisfaction every person concerned shall have for such proportion of his or her lands as shall be cut or prejudiced by the said works or lines; and if any of the said proprietors of lands, or his or her attorney or attorneys, guardian or guardians, shall be dissatisfied with the determination of the said commissioners, or any three of them assembled together as aforesaid, or shall after the space of twenty days after notice in writing, under the hands of any three of the said commissioners, refuse or neglect to treat with the said commissioners, in such case the said commissioners, or any three of them, are hereby required immediately after such refusal or neglect, to certify the same under their hands and seals, to the chief justice of this Province for the time being, who shall order the said certificate to be filed amongst the records of the court of common pleas, and is hereby impowered and required, together with the justices of the said court, or any two of them, to impanel any jury or juries lawfully summoned, returned and drawn by ballot to serve as jurymen at the next following court of common pleas, or any other subsequent court of common pleas to be holden at Charlestown, and to administer an oath to the said jurors that they will well and truly assess the damages to be given to the owner or owners, and others interested in the lands supposed to be prejudiced by the said works or lines, and thereupon the said jurors shall enquire and by their verdict assess such damages as they shall think fit, which verdict shall be recorded in the said court and judgment given for the damages assessed by the jurors as aforesaid.

II. *And be it further enacted* by the authority aforesaid, That the damages to be settled by the said commissioners, or any three of them assembled together, with the consent of the proprietors or others concerned, or found by the jurors according to the direction of this Act, shall be deemed and taken as a sufficient recompence for the damages sustained or to be sustained by the respective proprietors of lands supposed to be prejudiced by the said works and lines, and upon payment of any of the said sums so settled or found, or upon a lawful tender thereof to the respective proprietors or guardians of such lands, the said lands upon which the said works now do or hereafter may stand, or through which they now or hereafter may run, shall and are hereby declared to be divested out of their former proprietors and shall continue for ever thereafter to be deemed and taken as public lands to all intents and purposes whatsoever; any law, custom or usage to the contrary thereof in any wise notwithstanding.

III. *And be it further enacted* by the authority aforesaid, That the moneys directed to be paid or tendered to the proprietors of lands by virtue of this Act, shall be supplied and taken out of the surplus-

Commissioners appointed to settle differences between undertakers and proprietors.

Twenty days notice to given by the commissioners.

Dispute may be referred to a jury to assess damages.

Verdict of the jury to be regarded as the damages.

Lands so compensated for, to be deemed public lands.

A. D. 1743.

Moneys so to be paid, to be taken out of the Georgia surplus.

age of the moneys issued by an Act of the General Assembly, intituled an Act for the immediate relief of Georgia and for the defence of this Province, and in case the said surplusage shall prove deficient, the publick treasurer is hereby impowered from time to time to make up and pay such deficiency out of the public treasury, upon any order for that purpose drawn upon him by the Governour for the time being, with the consent of any three or more of his Majesty's Council.

No person to erect buildings on the front of the lines.

IV. *And be it further enacted* by the authority aforesaid, That no person or persons whoever, shall be permitted on any account or pretence whatsoever, to erect hereafter any building or buildings whatsoever, without on the front of the lines of the said works, except wooden bridges at the ends of the streets, nor to erect any building whatsoever within the said lines nearer than thirty feet of the said works; any law, usage or custom to the contrary notwithstanding.

Nomination of commissioners.

V. *And be it further enacted* by the authority aforesaid, That Isaac Mazyck, Gabriel Manigault, David Hext and John Rutledge, Esquires, and Mr. Jordan Roche, be, and they are hereby appointed commissioners for putting this Act in execution; and none of the said commissioners shall act in any matter wherein they are interested and concerned, directly or indirectly; and the said commissioners respectively, shall before they enter upon the execution of their office, take an oath that they will faithfully put this Act in execution, without favour or prejudice, according to the best of their knowledge; and in case of the death or absence, or of the refusal to act, of either of the said commissioners, the Governour or Commander-in-chief for the time being, is hereby impowered to nominate and appoint another in his stead, who shall be vested with the same power as any of the said commissioners.

General issue may be pleaded and this Act given in evidence.

VI. *And be it further enacted* by the authority aforesaid, That if any action, suit, information or prosecution shall be brought or commenced against any person or persons for any thing done in execution of this Act, it shall and may be lawful for such person or persons to plead the general issue and give this Act and the special matter in evidence in any court of record in this Province, and the judges of the said courts are hereby strictly enjoined and required to admit the same.

BENJ. WHITAKER, *Speaker*.

In the Council Chamber, the 7th day of May, 1743.

Assented to: WILLIAM BULL.

- No. 702. AN ACT for the better securing of this Province against the insurrections and other wicked attempts of negroes and other slaves; and for reviving and continuing an Act of the General Assembly of this Province, entitled an Act for the better ordering and governing negroes and other slaves in this Province.

(Passed 7th May 1743. See last volume.)

- No. 703. AN ACT to ascertain and regulate public officers fees, and to repeal an Act of the General Assembly of this Province, entitled an Act for ascertaining public officers fees.

(Passed May 7, 1743. The original not to be found.)

A. D. 1744.

No. 704.

AN ACT FOR REGULATING THE MAKING OF DAMS OR BANKS FOR RESERVING WATER, WHERE THE SAME MAY AFFECT THE PROPERTYS OF OTHER PERSONS.

Preamble.

WHEREAS, it hath (of late) been frequently the practice of many persons to make dams or banks for the reserving of water, whereby they sometimes prevent their neighbors planting, and at other times let off their reserved waters and overflow the lands of their neighbors to their manifest prejudice; to prevent, therefore, the like evil for the future, we humbly pray his most sacred majesty, that it may be enacted;

I. *And be it enacted*, by His Excellency James Glen, Esq, Governour in-chief, and Captain General in and over this his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honourable Council and the Assembly of this Province, and by the authority of the same, That no person or persons whoever shall hereafter be permitted or allowed to make or keep up any dams or banks to stop the course of any waters so as to overflow the lands of any other person, without the consent of such person first had and obtained, nor shall any person or persons whoever be hereafter permitted or allowed to let off any reserved water, to injure the crops upon the grounds of other persons.

No dams allowed to be erected or let off to the injury of other persons.

II. *And be it further enacted* by the authority aforesaid, That in case any person or persons whoever shall make or keep up any such dams or banks to the injury of any other person as aforesaid, upon complaint thereof made by the party injured to any justice of the peace for the county where the offence shall be committed, such justice shall be, and he is hereby fully impowered, authorized, and required to summon three freeholders of the parish or neighbourhood, one of whom shall be named by the said justice, and one by each of the other parties, and in case of their, or either of their refusal, by the said justice, immediately to view the same; and such freeholders being first sworn before such justice to determine the matter justly and impartially, shall forthwith proceed to view the said banks and dams, and the damage complained of, and certify the matter as they shall find it under their hands to the said justice, and in case an award shall be given in favour of the complainant, the said justice shall immediately make an order to cut open the said bank or dam in such manner as to prevent any further damage, the expence whereof, and also all other charges attending the prosecution, to be paid by the defendant.

To be remedied by a justice and 3 freeholders.

III. *And be it further enacted* by the authority aforesaid, That in case any damages shall have been already sustained by the complainant, either by such dams or banks being kept up, or by letting off any reserved waters, the said freeholders shall, upon view thereof, ascertain and certify the same under their hands to the said justice, provided the same do not exceed four pounds proclamation money, which damages so ascertained, the offender shall immediately pay and satisfy to the party grieved; and in case of neglect or refusal so to do, at the end of ten days the said damages shall be recovered and levied in the same way as debts or damages are directed to be recovered and levied by an Act intitled an Act for the tryal of small and mean causes; and in case the said freeholders shall be of opinion that such damages shall exceed the said sum of four pounds proclamation money, then such damages shall and may be sued for and recovered in any court of record in this Province

Damages may be assessed.

In what courts recovered.

A. D. 1744.

Cases excepted.

in the usual manner ; provided always nevertheless, that nothing in this Act contained shall extend or be construed to extend, to subject any persons who have made or shall make any banks or dams to reserve water, to pay any damages which may be sustained by the breaking the said banks or dams when it is occasioned by such violent rains and floods as would have caused such damages to be sustained on the lands in question, though no such bank or dam had been made, whereof the freeholders aforesaid shall be the judges ; any thing herein to the contrary notwithstanding.

Penalty on justice for neglect of duty.

IV. *And be it further enacted* by the authority aforesaid, That in case any justice shall neglect or refuse to put this Act in execution, he shall forfeit the sum of ten pounds proclamation money, which penalty shall and may be sued for and recovered by action of debt, bill, plaint, or information in any court of record in this Province, wherein no essoin, privilege, protection or wager of law shall be allowed or admitted, nor any more than one imparlance, and shall be applied one half to his Majesty, his heirs and successors, to be disposed of by the General Assembly, and the other half to him or them who will inform and sue for the same ; and in case any freeholder shall neglect or refuse to obey the summons of the justice, or any other matter herein directed, such freeholder shall (unless he can make a reasonable excuse) forfeit the sum of four pounds proclamation money, to be sued for and recovered in the same way as debts are directed to be recovered by the Act intitled an additional Act to an Act intitled an Act for tryal of small and mean causes, and to be applied the one half to the informer and the other half to his Majesty's use, to be disposed of by the General Assembly.

Penalty on freeholders summoned not attending.

Fee allowed.

V. *And be it further enacted* by the authority aforesaid, That the freeholders shall each be allowed for their trouble herein, the sum of six shillings proclamation money for each day's attendance on the same, to be paid by the party in the wrong.

General issue may be pleaded and this Act given in evidence.

VI. *And be it further enacted* by the authority aforesaid, That in case any person or persons whoever, shall be sued or impleaded for any Act, matter, or thing committed or done in pursuance of the directions of this Act, it shall and may be lawful for such person and persons to plead the general issue and to give this Act and the special matter in evidence, and in case the plaintiff shall become non-suit, suffer a discontinuance, or a verdict shall pass against him, the defendant shall be allowed treble costs of suit.

Limitation 3 years.

VII. *And be it further enacted* by the authority aforesaid, That this Act and every matter and thing therein contained, shall continue and be of force for the space of three years from the time of passing thereof, and from thence to the end of the next session of the General Assembly, and no longer.

WM. BULL, Jun., *Speaker.**In the Council Chamber, the 29th day of May, 1744.**Assented to : JAMES GLEN.*

A. D. 1744.

No. 705.

AN ACT FOR ALLOWING MUTUAL DEBTS TO BE DISCOUNTED, AND FOR EXPLAINING THE SIXTH PARAGRAPH OF AN ACT ENTITLED AN ACT FOR MAKING MORE EFFECTUTL WILLS AND TESTAMENTS, AND FOR MAKING VALID ALL FORMER WILLS IN THIS PROVINCE, ACCORDING TO THE TENOR OF THE SAME, AND FOR PUTTING IN FORCE SEVERAL USEFUL MATTERS THEREIN COMPRISED.

WHEREAS, the sixth paragraph of an Act entitled an Act for the making more effectual wills and testaments, and for making valid all former wills in this Province, according to the tenor of the same, and for putting in force several useful matters therein comprised, is very obscure, and renders the method of discounting mutual debts very doubtful and uncertain; for explaining thereof, we pray your most sacred Majesty that it may be enacted, Preamble.

I. *And be it enacted*, by his Excellency James Glen, Esquire, Captain General, Governour and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the consent and advice of his Majesty's honourable Council and the Assembly of this Province, and by the authority of the same, That where there are mutual debts between any plaintiff and defendant, or if any executor or administrator shall hereafter bring any action upon any bond or other specialty, due to his testator or intestate, if it shall happen that such testator or intestate shall be indebted to the defendant by any ways or means whatsoever, such debt due to the defendant may be pleaded or given in evidence against such bond or other specialty, by way of discount; any law, usage or custom to the contrary notwithstanding. Provided, that the defendant in any such suit do file the particular articles of his discount, and serve a notice with a copy of such articles upon the plaintiff's attorney, within the space of twelve days before tryal of the cause, in the same manner and form as is directed, limited and appointed by the first paragraph of an Act entitled an Act for authorizing the General Court in Charles City and Port to exercise several powers and priviledges allowed to the County and Precinct Courts in this Province, and some other regulations—and not otherwise; and provided, also, that no such discount shall be allowed in any case for any account of above four years standing. Set off of mutual debts allowed.

II. *And be it further enacted* by the authority aforesaid, That this Act, and every matter and thing therein contained, shall continue and be of force for the term of three years, and from thence to the end of the next session of the General Assembly after, and no longer. Reference to a former Act.

WM. BULL, Jun., *Speaker.*

In the Council Chamber, the 29th day of May, 1744.

Assented to: JAMES GLEN.

AN ACT declaring Dorchester Bridge, Bacon's Bridge, Mc'Cullom's Bridge, Eagle's Bridge, Baker's Bridge, and Waring's Bridge, in the Parish of St. George, Dorchester, to be parish bridges, and appointing the manner in which the same shall hereafter be kept in repair; No. 706.

A. D. 1744.

and for reviving and continuing an Act of the General Assembly of this Province entitled an Additional and Explanatory Act to an Act entitled an Act to empower the several Commissioners of the High roads, private paths, bridges, creeks, causeways, and cleaning of water passages, in this Province of South Carolina, to alter and lay out the same, for the more direct and better convenience of the inhabitants thereof.

(Passed May 29, 1744. See last volume.)

No. 707. *AN ACT* FOR ALLOWING THE PLAINTIFF OR DEMANDANT IN EJECTMENT TO BRING MORE THAN ONE ACTION FOR THE RECOVERY OF ANY LANDS OR TENEMENTS CLAIMED WITHIN THIS PROVINCE, AND FOR REPEALING THE FOURTH PARAGRAPH OF AN ACT ENTITLED *An Act for settling the Titles of the inhabitants of this Province to their possessions in their Estates within the same, and for limitation of actions, and for avoiding suits in law.*

Preamble.

WHEREAS, by the said fourth paragraph of the said Act, all actions concerning lands, and particularly actions of ejectment, are restrained from being brought above once, and it is thereby enacted that the plaintiff or demandant in any such action, in case verdict and judgment shall pass against him, or that he suffer nonsuit, or discontinue, or any otherways let fall his said action, that such verdict, judgment, nonsuit or discontinuance, shall be conclusive and definitive on the part of such plaintiff forever; which being attended with many inconveniencys and expressly contrary to the laws and practice of Great Britain, for remedying thereof, we humbly pray your most sacred Majesty that it may be enacted,

Plaintiff in
ejectment may
bring more
than one action.

1. *And be it enacted*, by his Excellency James Glen, Esquire, Captain General, Governour, and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council and the Assembly of this Province, and by the authority of the same, That all persons whatsoever that shall hereafter make their claim to any lands and tenements within the time limited by law, and bring their action by ejectment for the same, shall proceed upon such action to tryal with that convenient expedition which the nature of the process and the rules and practice of the court will permit, and shall not delay the same but by special order or rule of court; and in case verdict and judgment shall pass against the plaintiff in such action, or that he suffers a nonsuit or discontinuance, or any otherways let fall the same, such verdict or judgment, nonsuit or discontinuance, or other letting fall the action or suit aforesaid, shall not be conclusive and definitive on the part of such plaintiff, but, at any time within two years, the said plaintiff, or any other person or persons claiming by him or under him, shall have right, and is hereby empowered, to commence his action for the recovery of the said lands and tenements *de novo*, and prosecute the same in the manner and with the expedition hereinbefore directed; and in case verdict and judgment shall again pass against such plaintiff, or that he suffer a nonsuit, or discontinue, or otherways let fall his said action a second time, then such second verdict or judgment, nonsuit or discontinuance, shall be finally conclusive on the part of every such plaintiff, and of and from any further action or suit for the recovery of the said lands and ten-

ements in question, he shall be and is hereby debarred and forever excluded, and the right and title of the defendant in and to the same shall be from thenceforth firmly settled and established against such plaintiff only, his heirs and assigns, any former law, usage or custom to the contrary notwithstanding; excepting any person or persons beyond the seas or out of the limits of this Province, who shall be allowed four years, and excepting feme coverts, who shall be allowed two years after their discoverture, and also excepting persons who are under the age of twenty-one years, who shall be allowed two years after they come to full age, to prosecute their second action in manner above directed.

A. D. 1744.

II. *And be it further enacted* by the authority aforesaid, That the said fourth paragraph of the said Act entitled an Act for settling the titles of the inhabitants of this Province to their possessions in their estates within the same, and for limitation of actions, and for avoiding suits in law, passed in open Assembly on the twelfth day of December, in the year of our Lord one thousand seven hundred and twelve, be and is hereby declared repealed and entirely null, void and of none effect, to all intents and purposes.

WM. BULL, Jun., *Speaker.**In the Council Chamber, the 29th day of May, 1744.**Assented to:* JAMES GLEN.

AN ACT FOR THE FURTHER IMPROVEMENT AND ENCOURAGING THE PRODUCE OF SILK AND OTHER MANUFACTURES IN THIS PROVINCE, AND TO REPEAL AN ACT OF THE GENERAL ASSEMBLY ENTITLED *An Act to Encourage the making of Hemp*, PASSED THE 23rd DAY OF FEBRUARY, 1723, AND FOR REPEALING SUCH PART OF AN ACT OF THE GENERAL ASSEMBLY ENTITLED *An Act for the better regulating the Port and Harbor of Charlestown and the Shipping frequenting the same*, AS IS THEREIN MENTIONED.

No. 708.

WHEREAS, it appears from late experiments that silk of the best sorts may be raised and produced in this Province, if the culture thereof was put under proper regulations, and further bounties were given to such persons as are willing and capable to undertake the same; for effecting whereof, and the better introducing several other valuable commodities into this Province, we humbly pray his most sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Excellency James Glen, Esquire, Governor in chief and Captain General in and over this his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honorable Council and the Assembly of this Province, and by the authority of the same, That the commissioners hereinafter named and appointed, or any three of them, shall be and they are hereby impowered and authorized to purchase on behalf of the public all such silk balls and even drawn silk of the produce of this Province, as shall hereafter be tendered unto them by any person or persons whatsoever, at and after the following rates, that is to say, for every bushel of good and merchantable silk balls, heaped up, to be approved of by any three of the said commissioners and any other person or persons skilled in the silk manufacture, and appointed for that purpose by the said commissioners or a majority of them, the sum of sixteen shillings proclamation money; for every bushel of silk balls of an

Preamble.

Commissioners
allowed to purchase silk balls,
at 16s. per
bushel or 40s.
per lb.

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inferior sort, commonly called 'knubbs, which cannot be wound off, but may be otherwise made useful, to be approved of in like manner, the sum of eight shillings proclamation money; for every pound averdupoise weight of best organzined silk, to be in like manner approved of, any sum not exceeding forty shillings proclamation money.

Nomination of
commissioners

and inspector.

II. *And be it further enacted* by the authority aforesaid, That the Honorable Edmond Atkin, Richard Hill and Charles Pinckney, Esquires, William Bull, junior, Hector Beringer De Beaufain, Thomas Jenys, William Cattell, junior, and Robert Wright of Dorchester, Esquires, Mr. Stephen Mazyck and Mr. Peter Bonneau, be and are hereby appointed commissioners to purchase all such silk balls or drawn silk as aforesaid; and the said commissioners, or a majority of them, shall and are hereby impowered and authorized to contract and agree with Hercules Coite, or any other fit person skilled in the silk manufacture, to be their assistant and inspector of such silk and silk balls as shall or may be hereafter tendered unto them in pursuance of this Act, and to order payment of such sum or sums of money for his attendance, labour and trouble in so doing, out of the moneys arising by general duties remaining unapplied in the treasury, as shall be agreed upon between them; and the said inspector, together with the said commissioners, or any three of them, shall from time to time ascertain the quality, quantity and value, according to the several rates by this Act established and confirmed, of all such silk or silk balls as shall hereafter be tendered unto them; and the said commissioners, or any three of them, shall give a certificate thereof under their hands, to be countersigned by the said inspector, directed to the public treasurer, who is hereby impowered and required upon producing the said certificate and delivery of the silk or balls therein mentioned, to receive the same, and to countersign the said certificate, and the several sums therein ascertained and certified to be the value of such silk or silk balls, shall be raised in the next ensuing tax, and the said certificates shall be received in payment of taxes.

Public treasurer to contract
for winding
the silk.

III. *And be it further enacted* by the authority aforesaid, That the public treasurer for the time being shall be and is hereby impowered and required to contract or agree with any proper person or persons to wind off or otherwise manufacture all such silk balls as may hereafter come into his hands by virtue of this Act, provided that such persons can be procured at reasonable rates; and that he be further impowered and required to sell in this Province or ship home to Great Britain, on the account and risque of the public of this Province, the said drawn silk, or silk balls, in case persons cannot be procured as aforesaid to manufacture the same, and to apply the produce thereof, after all necessary charges are deducted, towards the payment of such certificates as aforesaid; and for his trouble in so doing, and for transacting all and every the matters hereby committed to his charge, it shall and may be lawful to and for him and his successors to charge and take the sum of five per centum on all the moneys to be paid or received by him by virtue of this Act.

Commissioners
dying or
removing.

IV. *And be it further enacted* by the authority aforesaid, That in case any of the commissioners before mentioned shall die, depart this Province, or refuse to act, it shall and may be lawful to and for the Governor or Commander-in-chief for the time being, to nominate and appoint one other commissioner or commissioners, in the room of him or them so dying, departing this Province, or refusing to act, who shall have the same powers and authorities as if they had been originally named in this Act.

V. And for the encouragement of the produce of wine, oil, flax, hemp, wheat, barley, cotton, indigo and ginger, in this Province, *Be it further*

enacted by the authority aforesaid, That from and after the passing of this Act there shall be paid out of the public treasury, as a bounty or premium on the commodities aforesaid, at and after the following rates, that is to say, for the first pipe, containing one hundred and twenty gallons, of good, wholesome and sound bodied wine, made in this Province, from grapes of the growth of any one plantation, the sum of one hundred pounds proclamation money; for every other such pipe of wine, made as aforesaid, the sum of four pounds proclamation money; for every hundred pounds weight of bright clean-dressed and merchantable hemp, of the growth of this Province, which shall be exported from thence, the sum of eight shillings proclamation money, and so in proportion for a greater or less quantity, not less than twenty-five pound weight; for every hundred pounds weight of well cured and clear dressed flax, of the growth of this Province, which shall be exported from thence, the sum of ten shillings proclamation money; for every pound of neat and merchantable indigo, of the growth of this Province, which shall be exported from thence, the sum of one shilling proclamation money; for every pound of neat well cleared and merchantable cotton, of the growth of this Province, which shall be exported from thence, the sum of three pence proclamation money; for every gallon of good and merchantable olive oyl, of the growth of this Province, the sum of one pound proclamation money; for every hundred pounds weight of merchantable wheat flour, made of wheat of the growth of this Province, that shall be sold at the market of Charlestown, the sum of two shillings and six pence proclamation money; for every hundred pounds weight of merchantable ginger, of the growth of this Province, that shall be exported, five shillings proclamation money.

A. D. 1744.

Other articles
of produce
encouraged.

Specification of
bounties.

VI. And in order to fix the more easy method for the applying for and receiving of the bounties intended to be given by this Act, for the encouragement of the several manufactures therein mentioned, *Be it further enacted* by the authority aforesaid, That the person or persons applying to the public treasurer for the time being, for the respective bounties to be paid upon the exportation of hemp, flax, cotton, indigo and ginger, shall produce a certificate signed by the comptroller of country duties and waiter, if the same be exported from Charlestown, and if from any of the out ports then such certificate shall be signed by the deputy treasurer and waiter of such port, which certificate shall express the quantity of hemp, flax, cotton, indigo and ginger, so shipped on board, and for what place or places the same is exported, and upon such certificate being produced to the public treasurer, and the exporter taking the following oath, which the public treasurer is hereby empowered and required to administer: "You, A B, swear that the hemp, flax, cotton, indigo, ginger, as certified to be by you shipped on board for exportation, and for which a premium is allowed, is the produce and growth of this Province, and that neither you nor any other person hath received the premium or a certificate for the same or for any part thereof; so help you God:" the public treasurer is hereby required and directed thereupon to pay the premium which shall appear to be due, according to the directions of this Act, taking the exporter's receipt for the same.

VII. *And be it further enacted* by the authority aforesaid, That the publick treasurer, when any person shall apply to him for the bounty or premium given by this Act on wine and oyl, shall choose one person, and the person claiming the premium shall choose another, and they two so nominated, shall jointly choose a third person, which three are hereby impowered to survey the quantity and quality of such wine and oyle so

A. D. 1744.

produced to them, and give a certificate thereof to the person so claiming as aforesaid, and if the said certificate shall signify the quantity and quality of wine and oyl to be within the intent of this Act, upon producing the same the person claiming the premium shall take the following oath, which the publick treasurer is hereby impowered and required to administer, viz: "You, A. B., swear that the wine and oyl by you now offered for a premium, is the produce of land under your improvement within this Province, and that the said wine and oyl hath been produced from the same since the twenty-fifth day of March, in the year of our Lord one thousand seven hundred and forty-four, and that neither you nor any other person hath received the premium, or a certificate for the same, or for any part thereof, so help you God;" and the public treasurer is hereby required and directed thereupon, to pay the premium which shall appear to be due according to the directions of this Act, and take the certificate of the three surveyors, as a receipt for the same.

Reference to a former Act.

VIII. *And be it further enacted* by the authority aforesaid, That an Act entitled an Act to encourage the making of hemp, passed the twenty-third day of February, one thousand seven hundred and twenty-three, be and is hereby declared to be null, void and repealed to all intents and purposes.

IX. *And be it further enacted* by the authority aforesaid, That such part of one other Act of the General Assembly of this Province, passed the ninth day of April, on thousand seven hundred and thirty-four, entitled on Act for the better regulating the port and harbor of Charlestown, and the shipping frequenting the same, as imposes a duty of three pence per ton on all ships and vessels for placing and keeping buoys on the bar of the harbour of Charlestown, be and is hereby declared to be repealed and nulled and void to all intents and purposes whatsoever.

X. *And be it further enacted* by the authority aforesaid, That this Act shall continue in force for the space of five years, and no longer.

WM. BULL, Jun., *Speaker.**In the Council Chamber, the 29th day of May, 1744.**Assented to: JAMES GLEN.*

No. 709. **AN ACT** FOR THE BETTER SECURING THE PAYMENT AND MORE EASY RECOVERY OF DEBTS DUE FROM ANY PERSON OR PERSONS INHABITING, RESIDING OR BEING BEYOND THE SEAS, OR ELSEWHERE WITHOUT THE LIMITS OF THIS PROVINCE, BY ATTACHING THE MONEYS, GOODS, CHATTELS, DEBTS AND BOOKS OF ACCOUNT OF SUCH PERSON OR PERSONS, IF ANY HE, SHE OR THEY SHALL HAVE WITHIN THIS PROVINCE; AND TO IMPOWER AND ENABLE A FEME COVERT THAT IS A SOLE-TRADER, TO SUE FOR AND RECOVER SUCH DEBTS AS SHALL BE CONTRACTED WITH HER AS A SOLE TRADER, AND TO SUBJECT SUCH FEME COVERT TO BE ARRESTED AND SUED FOR ANY DEBT CONTRACTED BY HER AS A SOLE TRADER.

Preamble.

WHEREAS, many inconveniencies and injurys have frequently happened in defect of the recovery of debts where the debtor is absent, or willingly absconds, or withdraws himself out of the limits and jurisdiction of this Province, such debtor often at the same time carrying on trade and

commerce, or other business in this Province, by factors, agents, or attorneys, and having considerable moneys, goods, chattels and debts belonging and due and owing to him, but for want of proper means to subject such stock in trade, moneys, goods, chattels and debts, to the payment of the just and true debts of such absent debtor, many persons have and daily are defrauded and deprived of their just dues and demands; for remedy and prevention of which inconveniencies and injurys for the future, we pray your most sacred Majesty that it may be enacted,

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I. *And be it enacted*, by his Excellency James Glen, Esq. Governour-in-chief and Captain General, in and over this his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council and the Assembly of the said Province, and by the authority of the same, That from and immediately after the passing of this Act, any person whatsoever, whether an inhabitant of this Province or elsewhere, having occasion to commence any suit or action in the court of common pleas in this Province, against any person or persons whatsoever, residing or being without the limits of this Province, upon any judgment, bond, bill, note of hand, book debt, covenant, contract, or assumpsit whatsoever, or wheresoever made or entered into, shall and may, by him, her or themselves, or his, her or their attorney, petition the chief justice of this Province, or in case of his sickness or absence, any one of the justices of the court of common pleas aforesaid, setting forth the state and nature of his, her or their demand, and that the debtor is absent from and out of the limits of this Province, which being done, it shall and may be lawful for the chief justice aforesaid, or in case of his sickness or absence from Charlestown, any one of the justices aforesaid, to grant and issue a writ or writs of attachment, directed to the provost marshal of the Province aforesaid, requiring and commanding him immediately to attach the moneys, goods, chattels, debts and books of account, belonging to the absent debtor, in the hands of any person or persons whatsoever, and the attaching of any part thereof in the name of the whole, that is in such persons hands, power or possession, shall secure and make the whole liable in law to answer any judgment that shall thereafter be recovered and awarded upon that process; and the provost marshal at such time as he shall execute such writ of attachment shall summon the person in whose hands the said moneys, goods, chattels, debts or books of account, shall be, by serving him, her or them, with a true copy of the said writ, with a notice thereon indorsed, requiring him, her or them to appear before the justices of the said court of common pleas at Charlestown, at the return thereof, to show cause why the said moneys, goods, chattels, debts or books of account, should not be adjudged to belong to such absent debtor; but if no person is present at the time of attaching any the things aforesaid, then and in such case the provost marshal shall fix up at the prison door a copy of the said writ, with an account of the things attached, and give notice thereof in the Gazette, and in case there shall be no Gazette shall publish the same at the door of the house where the courts of judicature are or shall be usually held, for any person or persons claiming the same to appear as aforesaid, and shew cause as aforesaid; and the person or persons so summoned as aforesaid shall be obliged to appear at the return of the said writ, and to discover upon oath what sum or sums of money, debts, goods, chattels and books of account he, she or they have, in his, her or their hands, possession or power, to which the said absent debtor hath any right, claim or property whatsoever. And if such person or persons, after being duly summoned as aforesaid, and proof thereof made to the court, shall neglect or refuse to appear at the return of the said writ, or at furthest during the

The goods, moneys, chattels, &c of absent debtors may be attached.

Writ of attachment to be directed to the provost marshal

who shall summon the parties to appear at the court of common pleas.

Notice to be given of the things attached.

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Penalty on persons refusing to appear when summoned.

sitting of the court of common pleas next after the return of the said writ, or if on appearing shall refuse to discover upon oath what moneys, goods, chattels, debts or books of account, he, she or they have in his, her or their possession or power, belonging to such absent debtor, that then and in such case the person or persons so summoned shall be condemned for default of appearing, or discovering upon oath, as the case shall happen, and judgment shall be given against him, her or them, and execution awarded against his, her or their proper goods, for payment and satisfaction of the debt attached for, the same being legally proved to the court. And if any goods or chattels shall be actually seized and taken into the custody of the provost marshal, by virtue of such writ of attachment, and the person summoned shall not appear at the return of the said writ, then, upon his, her or their default, and no person appearing and laying claim to the said goods and chattels so attached, the same shall be adjudged and taken to be the property of the absent debtor; but if the person or persons so summoned shall appear at the return of the said writ, and lay claim to the said moneys, goods, chattels or other things, and upon oath deny the same to belong to the absent debtor, or that he hath any moneys, goods, chattels, debts or books of account belonging to the absent debtor, if the plaintiff shall rest satisfied therewith then the said attachment shall be discharged, but if not, then the claimant or claimants, or person or persons so summoned as aforesaid, shall be put to plead the same, and the matter shall be tried by a jury forthwith, or at such other court and time as shall be appointed by the said justices, and the party that shall be cast in the same shall pay to the prevailing party such reasonable costs and charges as shall be allowed and taxed by the chief justice aforesaid.

Writ of attachment to be filed in two months after the return of the same.

Absent debtor allowed time to plead.

II. *And be it further enacted* by the authority aforesaid, That the person or persons who sue out a writ of attachment shall be obliged to file his, her or their declaration, within two months after the return of the said writ, unless sufficient cause shall be shewn to the justices for a longer time, and shall serve the wife or attorney of such absent debtor, if any or either are known to be within this Province, with a copy of the said declaration, with a special order of court endorsed thereon, ordering when such absent debtor shall plead or make his defence in the said action, and the said justices shall have power to allow any time for the same, not exceeding a year and a day; and in case the said absent debtor shall have no wife or attorney known to be within this Province, then such notice shall be given as aforesaid once every three months during the said year and day; and if the absent debtor shall not appear and make his defence within a year and a day from filing the declaration as aforesaid, then final and absolute judgment shall be forthwith given and awarded for the plaintiff in the attachment.

Goods, &c. attached to be delivered to the plaintiff.

III. *And be it further enacted* by the authority aforesaid, That the moneys, goods, chattels, debts and books of account attached as aforesaid, shall, on filing the declaration as aforesaid, be immediately paid and delivered into the hands of the plaintiff, the said goods and chattels being first inventoried and appraised by two or more persons, to be appointed by the court for that purpose; and the plaintiff shall be obliged, before the said moneys, goods and chattels, debts and books of account, or any of them, are delivered to him, to enter into a recognizance with security in double the value of the goods attached, to prosecute his, her or their suit with effect, and that the moneys and the appraised value of the goods and chattels, and also the said debts and books of account, shall be forthcoming in case the said absent debtor shall appear in court within the said year and day and discharge himself of the plaintiff's demand against him, and

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that if the said absent debtor shall not appear as aforesaid that then he, she or they will render and deliver into the hands of the clerk of the court of common pleas aforesaid the residue of all such moneys, goods, chattels and debts, and the said books of account, after payment and satisfaction of such sum as shall be awarded him, her or them by the judgment of the said court, which said residue of the moneys, goods, chattels and other things, shall be subject to the order of the said court.

IV. *And be it further enacted* by the authority aforesaid, That the plaintiff in the attachment into whose hands any bonds, notes or books of account shall be delivered as aforesaid, shall have full power and authority to sue for, recover and receive the same, in the name of the absent debtor, of and from all and every person and persons whatsoever from whom the said bonds or notes are due and payable, and who shall appear by the said books of account to be indebted to such absent debtor, and shall have full power and authority to give sufficient receipts and discharges for all such sum and sums of money as he, she or they shall receive as due to the said absent debtor, and such receipts and acquittances shall be a full and absolute discharge to the parties making any payment to such plaintiff against the absent debtor for the sums therein mentioned, as fully and absolutely to all intents and purposes as if done and given by such absent debtor himself.

And give receipts and acquittances.

V. *And be it further enacted* by the authority aforesaid, That the plaintiff on filing his, her or their declaration as aforesaid, shall make oath to the debt or sum demanded and that no part of the same is paid, and that he doth not in any wise or upon any account whatsoever stand indebted to the defendant; and in case the plaintiff shall be indebted to the defendant, then such sum shall be allowed and deducted out of the sum demanded, and in such case a stated account shall be sworn to and filed together with the said declaration.

And make oath of debt on filing declaration.

VI. *And be it further enacted* by the authority aforesaid, That in case the absent debtor or defendant, whose money, goods, chattels, debts or books of account shall be attached in the hands of any person, be really and truly indebted to the person in whose hands the moneys, goods, chattels, debts or books of account are attached, then such person or persons, if his, her or their possession of the said moneys, goods, chattels, debts or books of account, was obtained legally and bona fide, without any tortious act (and not otherwise) shall be first allowed his, her or their own debt, he, she or they forthwith filing his, her or their declaration, and in every other respect proceeding as if he, she or they were plaintiff in the attachment.

Case of absent debtor indebted to the person in whose hands his goods are attached.

VII. *And be it further enacted* by the authority aforesaid, That in case any negro or other slaves, or cattle or horses, shall be attached, or any other goods or chattels, the chief justice aforesaid, or, in case of his sickness or absence as aforesaid, any one of the justices aforesaid, shall and may, on any reasonable application to him made, grant an order for the sale of such negroes, cattle, horses, or other goods as aforesaid, the provost marshal by whom the said negroes, cattle, horses or other goods and chattels are sold, first giving public notice thereof, by fixing up an advertisement at the watch-house in Charlestown and at the door of the house where the courts of judicature are or shall be usually held, at least twenty-one days before such sale; and the money arising therefrom shall either be paid into court or into the hands of the plaintiff, he, she or they giving security to return the same in case he, she or they shall not obtain judgment against the defendant as aforesaid.

If any perishable articles are attached, on application, they may be sold.

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Absent debtor entering an appearance within a year and a day.

VIII. *And be it further enacted* by the authority aforesaid, That if at any time within the year and day any person shall appear as attorney to the absent debtor and will put in bail to answer the action and pay the condemnation, that then and in such case the attachment shall be dissolved, and the moneys, goods, chattels, debts and books of account so attached shall be forthwith paid and delivered to the person or persons appearing and giving bail as aforesaid; and such person and his security shall be obliged to satisfy and liable to pay all such sum and sums of money as the plaintiff in the attachment shall obtain judgment for against the absent debtor, together with all such costs and charges as shall be taxed by the chief justice aforesaid.

If absent debtor appears in two years and disproves the debt he shall recover damages, &c.

Proviso.

IX. *And be it enacted* by the authority aforesaid, That in case any absent person, against whom an attachment is issued by virtue of this Act, shall appear within two years and disprove the debt, duty or demand which shall have been recovered against him, he shall recover against the plaintiff in attachment the full damages which he may have sustained for his unjust vexation, with treble costs of suit. Provided always, that in case any person who is about to depart this Province shall, at any time one month next before his departure, give notice in the Gazette, and in case no Gazette shall be printed, at the most public place in Charlestown and in the parish where such person resides, that he is about to depart this Province, and is ready to answer any suit that shall be brought against him, and in the mean time shall be always ready to appear and give bail to any summons that shall be issued against him; in such case, the person or persons refusing to commence his or their suit while the person to defend was present and offered to answer the same as aforesaid, shall not have the benefit of this Act and attach the absent party's money, goods, chattels, debts, or books of account for any cause or causes of action that did arise before such notice given.

Feme coverts, who are sole traders, may sue and be sued, naming the husband for conformity.

X. And whereas, feme coverts in this Province who are sole traders do sometimes contract debts in this Province with design to defraud the persons with whom they contract such debts, by sheltering and defending themselves from any suit brought against them, by reason of their coverture, whereby several persons may be defrauded of their just dues; and feme coverts, sole traders, are often under difficulties in recovering payment of debts contracted with them, by reason of the absence of their husbands, in whose name they are obliged to sue for all debts due to them, sometimes not being able to produce any power or authority from their husbands, *Be it therefore enacted* by the authority aforesaid, That any feme covert, being a sole trader, in this Province, shall be liable to any suit or action to be brought against her for any debt contracted as a sole trader, and shall also have full power and authority to sue for and recover, naming the husband for conformity, from any person whatsoever, all such debts as have or shall be contracted with her as a sole trader; and that all proceedings to judgment and execution by or against such feme covert, being a sole trader, shall be as if such woman was sole, and not under coverture; any law or custom to the contrary thereof in any wise notwithstanding.

A former Act repealed.

XI. *And be it further enacted* by the authority aforesaid, That one Act of Assembly of this Province entitled an Act for the better securing the payment of debts due from any person inhabiting and residing beyond the sea or elsewhere, without the limits of this Province of South Carolina, and to subject a feme covert that is a sole trader to be arrested and sued for any debt contracted by her as a sole trader, passed in open Assembly the twelfth day of December, Anno Domini one thousand seven hundred

and twelve, and every clause, article, matter and thing therein contained, from henceforth is and shall be repealed, annulled and made void; any thing in the said Act to the contrary thereof in any wise notwithstanding.

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WM. BULL, Jun., *Speaker.*

In the Council Chamber, the 29th day of May, 1744.

Assented to: JAMES GLEN.

AN ACT FOR THE BETTER GOVERNING AND REGULATING WHITE SERVANTS, AND TO REPEAL A FORMER ACT ENTITLED "*An Act for the better governing and regulating White Servants.*" No. 710.

WHEREAS, the laws hitherto provided in this Province for governing and regulating white servants have proved ineffectual, we pray your most sacred Majesty that it may be enacted, Preamble.

I. *And be it enacted*, by his Excellency James Glen, Captain General, Governor, and Commander-in-chief in and over your Majesty's Province of South Carolina, by and with the advice and consent of your Majesty's honorable Council and the Assembly of the said Province, and by the authority of the same, That where any person or persons are imported into this Province without being under contract or indenture, and are unable or unwilling to pay for their passages, it shall and may be lawful for the importer or importers of such person or persons, before any one of his Majesty's justices of the peace within this Province, to take an indenture or indentures, executed under the hand and seal of such person or persons, in consideration of such passage money, to serve the said importer or his assigns five years, from the arrival of such person or persons in this Province, if he or she at the time of such arrival is of the age of sixteen years or upwards, and to serve until the age of twenty-one years if such person or persons at his or her arrival is under the age of sixteen years; which indenture or indentures shall be as binding and effectual in law as if the same had been executed before the arrival of such person or persons in this Province. And if such person or persons shall refuse to execute such indenture or indentures, or to pay his or her passage money, it shall and may be lawful for the importer or importers, after the expiration of twenty days from such refusal, to carry such person or persons before any two justices of the peace, who are hereby empowered and required, upon due examination of all circumstances, to certify, by an instrument in writing, under their hands and seals, the time such person or persons shall be obliged to serve such importer or importers, in proportion to the value of the passage, and regard being had to the trade or occupation of such servant or servants; which certificate is hereby declared to be sufficient in law to bind every such person according to the tenor thereof, and to be transferable, in as full and ample manner as if an indenture had been voluntarily executed in the manner hereinbefore directed.

White persons unable to pay their passage to this place, shall be obliged to serve for a certain time.

II. *And be it further enacted* by the authority aforesaid, That all servants brought or transported out of any of his Majesty's colonies in America into this Province, shall complete their servitude here, which they ought to have served in the said colonies, according to the tenor of their indentures. Provided always, that the consent of such servant to be brought into this Province, and not being a convict, shall be certified on the back of

Servants brought from other colonies, to complete their servitude here.

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What servants are to exceed 5 years servitude.

III. *And be it further enacted* by the authority aforesaid, That every master, mistress, or other persons whatsoever, owning or keeping any servant or servants, except convicts, whether by virtue of transportation, purchase, or otherways, shall, within six months after the receiving such servant or servants into their custody within this Province, (except he, she, or they claim but five years' service of such servant or servants) bring the said servant or servants before the Governour of this Province, or any two justices of the peace, who are hereby authorized to judge or determine of the age of such servant or servants brought before him or them, and to return a certificate of such their determination, into the secretary's office of this Province; and every owner as aforesaid, neglecting or refusing to bring such servant or servants (except convicts) as is before directed, shall not claim above five years' service of such servant or servants; any thing herein contained to the contrary notwithstanding.

When their servitude to commence.

IV. And to prevent disputes that may arise about what time servants' time of servitude, whether by indenture or otherwise, shall commence, *Be it enacted* by the authority aforesaid, That all servants transported into this Province, whether by indenture or otherwise, or so bound or adjudged as aforesaid, shall commence their time of servitude from the first anchoring of the vessel within this Province, in which they are imported.

Bargains made during the first service, declared void.

V. *And be it further enacted* by the authority aforesaid, That it shall not be lawful for the master or owner of any servant, to make any bargain or agreement with such servant to serve him or her any longer time before the time of his or her first service by indenture or otherwise is expired and fully ended, and every such bargain or indenture made by any servant or servants during the time of his, her, or their service, shall be void and not any ways obligatory on such servant or servants, for longer time than by his, her, or their first indenture is limited, or according to this Act.

No person to trade with a servant, unless he has a licence from his master.

VI. And whereas, divers ill disposed persons do secretly and covertly truck and trade with other men's servants and apprentices, who, to the great injury of their masters, are thereby induced and encouraged to steal, purloin, and embezzle their master's goods, *Be it therefore enacted* by the authority aforesaid, That what person or persons soever, shall buy, sell, trade, or barter with any servant for any commodity whatsoever, without the licence or consent of such servant's master or mistress, he, she, or they so offending, shall forfeit to the master or mistress of such servant or servants, treble the value of the things traded for, bought, or sold, with full costs of suit, and also two pounds proclamation money to him, her, or them, that shall inform and sue for the same within three months after the fact committed, by action at law in any court of record within this Province; and in case the person or persons so offending shall not be able to satisfy the same, then such person or persons shall, by any one justice of the peace, be bound in a recognizance with good security for his, her, or their good behaviour, and to appear at the next general sessions of the peace, oyer and terminer, assize and general goal delivery, where, upon conviction of such buying, selling, trading, or bartering with such servant or servants, by confession or sufficient witnesses, the offender shall be punished by whipping on the bare back with stripes, at the watch house in Charlestown; and all such contracts made with such servant or servants, are hereby declared to be utterly null and void.

VII. *And be it further enacted* by the authority aforesaid, That if any servant or servants shall lay violent hands on, beat, or strike his, her, or their master, mistress, or overseer, and be convicted thereof by confession or evidence of his fellow servant, or otherwise, before any two justices of the peace in this Province, the said justices are hereby required and authorized to order such servant or servants to serve his, her, or their master or mistress, or their assigns, without any wages, for any time not exceeding six months after his, her, or their time, by indenture or otherwise, is expired, or to order such corporal punishment to be inflicted on such servant or servants, by the hands of a constable or some other white person, not exceeding twenty-one stripes, as the said justices shall, in their discretion, think fitting, according to the nature of the crime.

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Servants striking their masters, how to be punished.

VIII. *And be it further enacted* by the authority aforesaid, That any servant or servants unlawfully absenting from his, her, or their master, mistress, or overseer, shall, for every such day's absence serve one week, and so in proportion for a longer or shorter time, provided the whole servitude for such absence does not exceed two years over and above the time any such servant was to serve by indenture or otherways as is directed by this Act, and shall also satisfy his, her, or their master or mistress, for all such costs and charges as shall be laid out and expended for taking up, whipping, and bringing home such servant or servants, by a further and additional servitude, provided the whole time of such additional servitude does not exceed one year after the expiration of the first servitude for absenting as aforesaid; and the master or mistress of any runaway servant that intends to take the benefit of this Act, shall, as soon as he or she hath recovered him, her, or them, carry the said servant or servants before any two justices of the peace in this Province, and there declare upon oath, or prove by one or more sufficient witnesses, the time of his, her, or their absence, and the charge he or she hath been at in the recovery of such servant or servants, which said justices of the peace are thereupon hereby authorized and required to pass judgment for the time such servant or servants shall serve for absence and charges, or either of them, as aforesaid, which judgment, certified under the hands and seals of such justices, is hereby declared to be sufficient in law to bind every such servant or servants according to the tenor thereof, and to be transferable, in as full and ample manner as if indenture or indentures had been voluntarily executed by such servant or servants; provided always, that every party who may think him, her, or themselves aggrieved by the judgment of such justices, may and shall have a right of appeal from such judgment to the Governour and council of this Province for the time being, who are hereby authorized to confirm or reverse such judgment or judgments, upon due examination and proof of all circumstances, as to them shall seem meet.

Runaway servants, how to be punished.

IX. *And be it further enacted* by the authority aforesaid, That every servant in this Province obliged to serve by indenture or otherwise, according to the directions of this Act, shall, at the expiration of the term of such servitude, receive from his, her, or their master or mistress a certificate of freedom on demand; and whatever master or mistress shall, without good cause, refuse to give such certificate to any servant whose time is expired, shall forfeit forty shillings proclamation money for every such refusal, to be recovered by the party injured as is directed by an Act of the General Assembly of this Province, intituled an additional Act to an Act for the tryal of small and mean causes.

All servants having finished their time, may demand certificates of freedom from their masters, &c.

X. And whereas, divers servants bound by indenture, contract, or otherwise, according to the directions of this Act, do many times run

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The method of
discovering
runaway
servants, and
how persons
harboring them
may be pro-
ceeded against.

away to remote plantations, and there being unknown, are entertained for wages, or on shares; for the prevention whereof, for the future, and for the better discovery of runaways, *Be it enacted* by the authority aforesaid, That all servants at the expiration of their time of servitude, shall carry the certificate of freedom obtained as is before in this Act directed, to the next justice of peace to such servant's last place of dwelling, and shall get the said certificate indorsed and attested by the said justice, who is hereby required to indorse and attest the same without fee or reward, which certificate so indorsed and attested, shall be a sufficient warrant for any person to entertain such freed servant in his, her, or their service; and whoever shall unlawfully entertain or harbour any runaway servant, and not having such certificate indorsed and attested as aforesaid, shall forfeit to the master or mistress of every such servant, twenty shillings proclamation money for every twenty-four hours wherein such servant shall be so harbored or entertained, to be recovered, if not exceeding four pounds proclamation money, as is directed by the said additional Act to an Act for the tryal of small and mean causes, and if exceeding four pounds proclamation money, to be recovered by action of debt, bill, plaint, or information, in any court of record in this Province, wherein no essoin, protection, or wager of law shall be allowed; provided always, that the whole sum so to be recovered, do not exceed treble the value of such servant's time, remaining to be served with his or her master or mistress; provided also, that if such runaway servant shall forge a certificate, and by that means procure him or herself entertainment, the person ignorantly entertaining such servant shall be free from the forfeitures and penaltys imposed by this Act, but the servant or any other person forging such certificate, shall, upon conviction for such forgery, be punished by standing in the pillory in Charlestown, or otherwise, as the court before which such person is convicted shall direct, provided the said punishment does not extend to life or member.

How servants
injured by their
masters, may
obtain satisfac-
tion.

XI. And to prevent the barbarous usage of servants by cruel masters, *Be it enacted* by the authority aforesaid, That every master or mistress shall provide and allow his or her servant and servants sufficient diet, clothing, and lodging, and shall not exceed the bounds of moderation in correcting them or either of them, beyond the merit of their offences; and that it shall be lawful for any servant, upon any master or mistress, or overseer, by order or consent of any such master or mistress, denying and not providing sufficient meat, drink, lodging, and clothing, or who shall unreasonably burthen them beyond their strength with labour, or debar them of their necessary rest and sleep, or excessively beat or abuse them, to repair to any one of his Majesty's justices of the peace within this Province, there to make his, her, or their complaint, and if the said justice shall find by lawful proof that the said servant's complaint is just, he is hereby empowered and required, under the penalty of five pounds proclamation money, by warrant under his hand and seal, directed to the next constable, to levy and distrain of the goods and chattels of such master or mistress, any sum not exceeding four pounds proclamation money, to be disposed of for the use of the poor of the parish where such offence is committed; and for the second offence, any two justices of the peace shall, and are hereby authorized and required, under the penalty of five pounds proclamation money, each, by instrument in writing under their hands and seals, to make an order directed to any constable, to sell and dispose of the remaining time of service of such servant to any other white person for such money as can be got for the same, to be paid to the church wardens of the parish where the offence is committed, for the

use of the poor, saving always the right of appealing to the Governour and council, from the sentence, judgment, or proceedings of such justices, to every person or persons aggrieved thereby, provided such appeal be lodged in the secretary's office within twenty days from the sentence given by such justices.

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XII. *And be it further enacted* by the authority aforesaid, That if any victualler, punch-house keeper, vintner, or other person shall entertain any servant for any time, during which the said servant shall be drunk, trade, or game, such victualler, punch-house keeper, vintner, or other person so offending, shall forfeit any sum not exceeding four pounds proclamation money, to be recovered as by the said additional Act to an Act for the tryal of small and mean causes is directed, one moiety to the use of the poor of the parish where such offence is committed, and the other moiety to such person or persons as shall inform and sue for the same.

Penalty on tavern keepers entertaining servants.

XIII. *And be it farther enacted* by the authority aforesaid, That from and after the passing of this Act, no servant or servants whatsoever within this Province, shall travel by land or water above two miles from the place of his, her, or their residence without a note, under the hand of his, her, or their master, mistress, or overseer, expressing a permission for such servant or servants so travelling; and if any servant or servants shall, after the passing of this Act, be found above two miles from the place of his, her, or their residence, without such note, he, she, or they shall be deemed and taken as fugitive servant and servants, and shall suffer such penaltys and punishments as by this Act are provided against runaway servants.

No servant to travel above two miles without a note.

XIV. And for the better discovering, apprehending, securing, and punishing fugitive servants, *Be it further enacted* by the authority aforesaid, That every free person within this Province shall have power, and is hereby authorized, to apprehend any person or persons suspected to be fugitive servant or servants, and shall forthwith conduct such suspected person to the next justice of the peace, who is hereby authorized and required to examine and inquire, in the best manner he can, whether such suspected person is really a fugitive servant or not, and if by confession or otherwise, it shall appear that such person is a fugitive servant, the said justice shall immediately order such servant to be whipped, not exceeding twenty stripes, and shall deliver the said servant to the constable of the parish where the said justice resides, with orders to convey the said servant to his master, mistress, or overseer, if living within the said parish, or otherwise to the constable of the next adjoining parish, who is hereby authorized and required to receive such servant, and immediately to convey him or her, to his or her master, mistress, or overseer, if living within the parish where such last mentioned constable resides, and so on from constable to constable, and parish to parish, until such servant or servants shall be brought to his or her master, mistress, or overseer; but if it shall be doubtful whether such suspected person is really a servant or not, then, and in such case, such suspected person shall be conveyed from constable to constable of the respective parishes through which such suspected person is brought, until he or she shall arrive at Charlestown, where such suspected person shall be delivered to the warden of the work house, who is hereby authorized and required to receive such suspected person into his work house, and to keep him, her, or them to hard labour therein for the space of thirty days; and at the time of bringing such person to the work house as aforesaid, the warden is hereby required to publish in the Gazette for three weeks successively, an account of such persons so brought, giving the best description he can of their persons,

Duty of a justice, constable, warden of the work house, &c. when runaway servants are apprehended.

A. D. 1744.

and unless such person can, within such time prove him, her, or themselves to be free, to the satisfaction of any one of his Majesty's justices of the peace, or shall pay the charges of his, her, or their being brought to the said work house, and of his, her, or their detainer there, and of the said advertisement, such person, at the end of such thirty days, shall be whipped on the bare back, not exceeding twenty lashes, and be turned out of the said work house.

Free men
intending to
travel, may
obtain certi-
ficates of a ma-
gistrate gratis.

XV. *And be it enacted* by the authority aforesaid, That every free person within this Province intending to travel, may apply to any one of his Majesty's justices of the peace, to whom such free person is known, for a certificate of such freedom and passport, expressing such intention to travel, which certificate and passport every such justice of the peace is hereby required to deliver to such free person demanding the same, under his hand and seal, without taking any fee or reward for the same.

Penalty on
persons keep-
ing ferries not
providing a
free man to
attend the
same.

XVI. *And be it further enacted* by the authority aforesaid, That within six months next after the passing of this Act, every person keeping a ferry within this Province, shall provide one free white man constantly to attend the same, and on failure thereof, shall forfeit for every month he shall so neglect to provide such free white man, four pounds proclamation money, for the use of such person and persons as shall inform and prosecute for the same, to be recovered on conviction, upon the oath of one or more credible witnesses, before any one justice of the peace, by warrant of distress and sale of the offender's goods.

Such free man
empowered to
command
assistance in
securing runa-
way servants
making any
resistance.

XVII. *And be it further enacted* by the authority aforesaid, That every free white man attending such ferries shall be, and is hereby authorized and required to examine and apprehend all suspected persons whatsoever, endeavouring to cross such ferry where he shall so attend, and to carry such suspected person or persons before the next justice of the peace, to be dealt with according to the directions of this Act; and in case of refusal or resistance by such suspected person, to command all such persons as he shall think needful, to aid and assist in apprehending and carrying the said suspected person to the said justice.

No servants to
be carried over
ferries without
notes, on
penalty.

XVIII. *And be it further enacted* by the authority aforesaid, That every person keeping a ferry within this Province, who shall, after the passing of this Act, transport, or suffer to be transported over such ferry, any servant not having a note or certificate, as herein is before directed, shall forfeit for every such offence four pounds proclamation money, to the use of the owner of such servant, to be recovered upon conviction on the oath of one or more credible witnesses before any one justice of the peace by warrant of distress and sale of the offender's goods.

Fees of the
several officers
required to put
this Act in
execution.

XIX. *And be it further enacted* by the authority aforesaid, That the several justices of the peace, officers, and other persons required and directed to put this Act in execution, shall be, and are hereby empowered to take and receive for their respective trouble and services therein, the several fees limited and ascertained in the following table, that is to say, to a justice of peace before whom an indenture is executed, one shilling; for the justice's certificate of service upon refusal to execute an indenture, two shillings and six pence; to the Governour, for the certificate of the age of each servant, five shillings; to the justices if certified by them, two shillings and six pence; to the justices, for an order on conviction of each servant's laying violent hands on his master, mistress, or overseer, two shillings and six pence each; to the justices for passing judgment for a further time of servitude on each servant, two shillings and six pence each; to the Governour for his decree on an ap-

peal from the justices, five shillings; for a reward to the person apprehending each servant, one pound, and three pence per mile to the justice's house; to the justice of the peace before whom a servant is brought, for examining the matter and order thereon, two shillings; to the constable for whipping each servant, four shillings; to the constable per mile from the place where he receives to the place where he delivers each servant, besides ferriage and diet, three pence; to the marshal or warden of the work house, for receiving and discharging each servant, two shillings and six pence; to the marshal or warden for whipping each servant, two shillings; to diet per diem for each servant, allowing at least a pound of bread and a pound of flesh, wholesome provisions, one shilling and three pence.

A. D. 1744.

XX. *And be it further enacted* by the authority aforesaid, That the several fees hereinbefore limited shall be paid by the masters, mistresses, or overseers of fugitive servants to the constables delivering such servants to them respectively, or to the warden of the work house in Charlestown, if any such servants shall be brought thither, and after such delivery the said warden, constable, and constables, shall be liable to pay on demand such part of the said fees as belong to the other persons concerned in putting this Act in execution to such person or persons respectively, under the penalty of forfeiting double the sum so belonging to such other person or persons, to be recovered by the party grieved, according to the directions of an additional Act to an Act intituled an Act for the tryal of small and mean causes.

How the said fees are to be paid, &c.

XXI. *And be it further enacted* by the authority aforesaid, That the warden of the work house in Charlestown for the time being, shall, within ten days after he receives any fugitive servant, publish the same, at the charge of the owner of such servant, in the Carolina Gazette; and if the said warden shall neglect so to do, he is hereby made liable to the same fines and penaltys as persons unlawfully entertaining fugitive servants are by virtue of this Act; and if the said warden shall suffer any fugitive servant so brought to him to escape before he or she is duly delivered to his or her master or mistress, or his or her assigns, then, and in such case, the said warden shall, and is hereby declared to be liable to an action at common law, to be brought at the suit of the party injured, his or her executors or administrators, provided the said action be commenced within six months after the escape of such servant.

Penalties on the warden of the work house, when he neglects what is hereby required of him.

XXII. *And be it further enacted* by the authority aforesaid, That if a master or mistress of any runaway servant, or any justice of the peace, order any corporal punishment to be inflicted on any runaway servant or servants, such master or mistress shall not thereby be deprived of the satisfaction allowed by this Act, the one being as necessary to reclaim servants from persisting in their idle courses as the other is just to repair the damages sustained by the masters or mistresses; and if any servants shall offend more than once in running away, it is hereby enacted and declared, that the first constable into whose hands such fugitive servant shall, by any justice of the peace's warrant be first committed, shall cause such servant to be severely whipped, not exceeding twenty-one lashes, and shall convey him or her to the next constable towards his or her master or mistress's house, who is to give such servant another correction, not exceeding seven lashes, in like manner, and so every other constable through whose precincts the said servant passeth to do the like.

Corporal punishment not to deprive masters of lawful satisfaction.

Servants running away to be whipped.

XXIII. *And be it further enacted* by the authority aforesaid, That in all cases where a free man is punishable by fine, a servant shall receive corporal punishment, that is to say, for every twenty shillings proclama-

A. D. 1744.

In cases where free men are fined, slaves are to be whipped.

tion money fine, nine lashes, and so many such several punishments as there are pounds severally included in the fine, provided the whole doth not exceed thirty-nine lashes, and unless the master, mistress, or other acquaintance of such servant shall redeem him, her, or them, by making payment of such fine; and if any person shall, by procurement of such servant, upon promise and agreement for future service pay the fine and release him or her from punishment, such agreement made shall bind every such servant to performance, after the time by indenture, contract or otherwise is expired, any thing herein contained to the contrary notwithstanding.

Servants bringing in goods, or having any sent them, to have property to the same.

XXIV. And whereas, it sometimes happens that servants imported into this Province, being ignorant of the customs here, do sometimes bring in with them a small parcel of goods, or have them sent afterwards by their friends, *Be it therefore enacted* by the authority aforesaid, That all servants bringing in goods with them, not being their own wearing apparel, or having them sent to them for their own use during the time of their service, shall have a property in their own goods and dispose of the same for their own future advantage.

Penalty on masters turning away sick servants.

XXV. *And be it further enacted* by the authority aforesaid, That if any person inhabiting and residing in this Province shall turn away any sick or infirm servant, under pretence of freedom or otherwise, and such servant shall die for want of relief, or become chargeable to any parish, the offender shall forfeit the sum of twenty pounds proclamation money, to the use of the parish where such death or charges shall happen, to be recovered by the church wardens by action of debt in any court of record in this Province, and also shall receive the said servant if living, and him or her maintain during the whole time the said servant had to serve; and in case any person who is the owner of any servant or servants who shall be committed by virtue of this Act shall suffer him or them to remain in the common goal, or work house, shall be liable to pay the fees and charges occasioned by such commitment to the marshal or warden respectively, to be recovered as by this Act is directed.

What clothing shall be allowed to servants at the end of their time.

XXVI. And as it is customary in other of his Majesty's colonys in America, to make allowances of clothing to servants at the expiration of their servitude, *Be it enacted* by the authority aforesaid, That every man servant shall at such time of expiration of their servitude as aforesaid, have allowed and given to him one new hat, a good coat and breeches, either of kersey or broad cloth, two new shirts of coarse white linnen, one new pair of shoes and stockings; and all women servants at the expiration of their servitude as aforesaid, shall have allowed and given them a waistcoat and petticoat of new half thicks or coarse plains, two new shifts of white linnen, a new pair of shoes and stockings, a blue apron, and two caps of white linnen.

Any disputes unprovided for, how to be decided.

XXVII. *And be it further enacted* by the authority aforesaid, That if any manner of dispute shall arise between masters and their servants, either in relation to the indenture, contracts, wages, freedoms, or any other matter of difference, not herein provided for, it shall be heard and determined by any two justices of the peace, saving the right of appeal of either party to the Governour and council; and if such appeal prove vexatious it shall be lawful for the Governour and council to order such costs and damages to the party injured by such appeal, either by servitude by the servant appealing without reason, or such sums of money as they shall think reasonable by the master or mistress wrongfully appealing, the defendant to be summoned and not condemned unheard.

XXVIII. *And be it further enacted* by the authority aforesaid, That no white servant or servants shall hereafter be obliged to appear or serve at any muster or musters of the militia of this Province, or on patrols, except in times of alarms, invasions, or insurrections, any law, usage or custom to the contrary in any wise notwithstanding. A. D. 1744.
Servants to be except from military duty except in time of alarm.

XXIX. *And be it further enacted* by the authority aforesaid, That in case any of the officers or other persons, acting by and under the authority of this Act, shall be sued or prosecuted for any matter or thing by them done in execution thereof, it shall and may be lawful to and for such officer or other person to plead the general issue, and to give this Act and the special matter in evidence; any law, custom or usage to the contrary thereof in any wise notwithstanding. General issue may be pleaded and this Act given in evidence.

XXX. *And be it further enacted* by the authority aforesaid, That an Act of the General Assembly of this Province, ratified the eleventh day of December, in the year of our Lord one thousand seven hundred and seventeen, and entitled an Act for the better governing and regulating white servants, shall and is hereby declared to be repealed and for ever made void, to all intents and purposes whatsoever. Reference to a former Act.

WM. BULL, Jun., *Speaker.*

In the Council Chamber, the 29th day of May, 1744.

Assented to : JAMES GLEN.

AN ACT empowering Commissioners to finish and continue certain Roads already laid out for the convenience of the inhabitants residing between Saltketcher and Pocataga Rivers. No. 711.

(Passed May 9, 1744. *See last volume.*)

AN ACT for raising and granting to his Majesty the sum of Fifty-one Thousand Two Hundred and Five Pounds twelve shillings and two pence three farthings, and for applying the sum of eight thousand and fifty-six pounds four shillings and three pence, being the surplus of several taxes and the balance of several funds in the public treasury of this Province, for defraying the charges of the Government for one year, commencing the twenty-fifth day of March, in the year of our Lord one thousand seven hundred and forty-three, inclusive, and ending the twenty-fifth day of March, one thousand seven hundred and forty-four, exclusive. No. 712.

(Passed May 29, 1744.)

A. D. 1744.

No. 713. *AN ACT TO APPOINT PERSONS TO SERVE IN JURYS, PURSUANT TO THE DIRECTIONS OF AN ACT OF THE GENERAL ASSEMBLY, PASSED THE TWENTIETH DAY OF AUGUST, IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND THIRTY-ONE, INTITLED "An Act confirming and establishing the ancient and approved method of drawing Jurys by ballot in this Province, and for the better administration of justice in criminal causes, and for appointing of Special Courts for the tryal of the causes of transient persons, declaring the power of the Provost Marshal, for allowing the proof of deeds beyond the seas as evidence, and for Repealing the several Acts of the General Assembly therein mentioned."*

Preamble.

WHEREAS, in and by an Act passed by the General Assembly of this Province the twentieth day of August, in the year of our Lord one thousand seven hundred and thirty-one, entitled an Act confirming and establishing the ancient and approved method of drawing Jurys by ballot in this Province, and for the better administration of justice in criminal causes, and for appointing of Special Courts for the tryal of the causes of transient persons, declaring the power of the Provost Marshal, for allowing the proof of deeds beyond the seas as evidence, and for repealing the several Acts of the General Assembly therein mentioned—it was, amongst divers other things, enacted that it should and might be lawful for the chief justice, public treasurer, and coroner of Berkley county, once at the end of every three years after the passing the said recited Act, to make and appoint a new list of jurymen to serve at the several courts therein mentioned, observing the order and method in the said Act directed and appointed; provided, that nothing in the said Act contained should be construed to extend to give the said chief justice, public treasurer, or coroner of Berkley county, any power or authority to appoint any new lists of jurymen, if the General Assembly at any time during the space and before the end of any of the said terms of three years should appoint and establish any new list or lists of jurymen, but that the said chief justice, public treasurer, or coroner of Berkley county, should only have power to appoint such new lists in case the General Assembly should not think fit to appoint any such new lists during the space or before the end of the said respective terms therein before appointed for doing the same: and whereas, it is more than three years since the last jury lists were appointed, so that it becomes necessary to appoint new lists of jurors, and the General Assembly having taken the matter into consideration, humbly pray your most sacred Majesty that it may be enacted,

Persons named
in the schedule
shall be drawn
as jurors, and
no others.

I. *And be it enacted*, by His Excellency James Glen, Esq., Governour in-chief, and Captain General in and over this his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honourable Council and the Assembly of this Province, and by the authority of the same, That the several persons whose names are in the several lists or schedules hereunto annexed (and no other person or persons whoever) shall be drawn by ballot, impannelled, summoned, and obliged to serve as jurymen at the several courts in the said above recited Act mentioned, and in such manner and form as is hereinafter directed and prescribed, (that is to say) that the several persons in the first schedule or list annexed, entitled a list of grand jurymen, shall be drawn by ballot, impannelled, summoned, and obliged to serve on all grand juries, at the court of general sessions of the peace, oyer and terminer, assize and general goal delivery, to be holden

in Charlestown; and the several persons whose names are inserted in the second schedule or list hereunto annexed, entitled a list of petit jurymen, shall be drawn by ballot, impannelled, summoned, and obliged to serve on all juries and inquests whatsoever, at any of the courts of record that shall be holden in this Province; and the several persons whose names are inserted in the third schedule or list hereunto annexed, entitled a list of special jurymen, being inhabitants of the parish of St. Philip's, Charlestown, shall be drawn by ballot, impannelled, summoned, and obliged to serve on all juries and inquests of all special courts, hereafter to be holden in this Province; the said above recited Act, or any other Act, law, usage or custom to the contrary thereof in any wise notwithstanding.

A. D. 1744.

Grand and petit jury.

II. *And be it further enacted* by the authority aforesaid, That the chief justice, public treasurer, and coroner of Berkley county, shall, on or before the first Tuesday in July next, cause to be written on small pieces of paper, of an equal size and bigness, the names of the persons hereby appointed to serve as jurymen, with the name of the parish or place where such person shall then live and reside, and having first diligently compared them with the lists or schedules hereto annexed, shall cause them to be put into the jury box, observing the following method, that is to say, the names of all the persons mentioned in the schedule or list hereunto annexed entitled a list of grand jurymen, shall be put in the division in the said box numbered one; and the names of all the persons mentioned in the schedule or list hereunto annexed, entitled a list of petit jurymen, shall be put into the division of the said box numbered three; and the names of the persons mentioned in the schedule or list entitled a list of special jurymen, shall be put into the division of the said box numbered five.

Mode of drawing the jury.

III. *And be it further enacted* by the authority aforesaid, That the persons hereby appointed to serve on juries, shall be drawn according to the method prescribed by the above recited Act, and shall be subject and liable to all the duties, pains and penalties which are enjoined and inflicted by the laws of this Province on jurymen. Provided always, that nothing in this Act contained shall be construed, deemed or taken to oblige any person or persons who heretofore have been, now are, or hereafter shall be members of his Majesty's honorable Council, judges or assistant judges in any of the courts of this Province, or members of the Assembly and officers of any of the courts of justice, during the time they shall be members, and during the continuance in such offices, or any person or persons exempted by the laws and statutes of Great Britain, or by any law of this Province, to serve as jurymen; or to debar or preclude any person or persons from challenging or excepting against any juror or jurors, where, by the laws of Great Britain, he or they might have been admitted so to do; challenges to the array, in respect of partiality, affinity or consanguinity of the provost marshal, only excepted.

Jurors to be drawn as prescribed by the former act.

IV. *And be it further enacted* by the authority aforesaid, That if any person who shall be drawn, impannelled, summoned and returned to serve as a juror at any court of common pleas hereafter to be holden in this Province, shall not appear, or after appearance shall refuse to act, or who shall absent himself without leave of the said court, that then and in such case the said court may lawfully fine such person in any sum not exceeding five pounds proclamation money, unless such person or persons can shew a good and sufficient excuse before the breaking up of the said court, which said excuse shall be upon oath, and to the satisfaction of the said court. Provided, that all such person or persons shall have till the

Jurors to be fined for non appearance.

A. D. 1744.

next return day after such court to make such excuse to the judges of the said court; which fines shall be paid into the hands of the public treasurer of this Province, and shall be applied in such manner as is hereinafter directed.

Notice to be given in the Gazette of all defaulters.

V. And that all defaulters may have due notice of the fines intended to be laid on them, *Be it further enacted* by the authority aforesaid, That the clerk of the said court of common pleas shall be and he is hereby directed and required to cause a list of the names of all such jurors as shall be defaulters at any court of common pleas that shall hereafter be holden in this Province, to be inserted in the Gazette, within ten days after such defaulter shall be noted for non appearance.

Fines and their application.

VI. *And be it further enacted* by the authority aforesaid, That as well the fines inflicted by this Act on jurors for non appearance at the court of common pleas, as the fines inflicted on the grand and petit jurors for non appearance at the court of general sessions of the peace, oyer and terminer, assize and general goal delivery, and the fines inflicted on persons who shall refuse or neglect to take the office of constables upon them, shall be kept in the hands of the public treasurer, and applied towards the building of a state house; any law, statute, usage or custom to the contrary in any wise notwithstanding.

Majority of assistant justices may proceed without the chief justice.

VII. And whereas, it may happen that the chief justice of the court of common pleas, by reason of sickness, absence or death, cannot attend the said court, whereby all business then depending may in such case be impeded, *Be it therefore enacted* by the authority aforesaid, That it shall and may be lawful for a majority of the assistant justices for the time being, in case of sickness, absence or death of the chief justice, to proceed on, hear, try and determine all causes which lawfully could or might have been brought before or tried, heard, examined or determined by the said court, as fully and absolutely, to all intents and purposes, as if the chief justice had presided and been present in the said court; any law, usage or custom to the contrary thereof in any wise notwithstanding.

(The lists of names of the jurors, are omitted.)

WM. BULL, Jun., *Speaker.*

In the Council Chamber, the 29th day of May, 1744.

Assented to: JAMES GLEN.

No. 714.

AN ACT TO ENCOURAGE THE DESTROYING BEASTS OF PREY.

Preamble.

FORASMUCH as it is become necessary to give some encouragement to have beasts of prey destroyed, which of late have been very destructive to the stocks of cattle, sheep and hogs, in this Province; we therefore humbly pray your most sacred Majesty that it may be enacted,

Bounties for destroying beasts of prey within 150 miles of Charlestown.

I. *And be it enacted*, by his Excellency James Glen, Esquire, Governor in chief and Captain General in and over this his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honorable Council and Assembly of this Province, and by the authority of the same, That all and every person and persons whoever, that shall hereafter kill in this Province, within one hundred and fifty miles of Charlestown, or within the Welch Tract upon Pedec, any of the beasts of prey

hereinafter mentioned, shall have the following rewards, that is to say, for a tiger, eight shillings; for a wolf, six shillings; for a bear, four shillings; for a wild cat, four shillings; proclamation money; which rewards shall be paid to such persons out of the public treasury of this Province, in the manner hereinafter directed. A. D. 1744.

II. *And be it further enacted* by the authority aforesaid, That every person killing any of the beasts of prey above mentioned, within the limits aforesaid, (to be intitled to the reward for the same) shall carry the scalp with the two ears of such beast of prey, fresh to, or shall give sufficient proof to the satisfaction of any one of his Majesty's justices of the peace in this Province, that such beast was killed within the limits aforesaid, such magistrate (first destroying the ears) shall give such person a certificate of the same gratis, with an order to the public treasurer of this Province for the time being, requiring him to pay such person the reward by this Act directed to be given for such beasts of prey respectively; and the said public treasurer shall, and he is hereby required to pay such order to the person possessing the same accordingly, out of the moneys to be provided for that purpose, in the estimate of the current year. The scalp with 2 ears or other satisfactory evidence to be given.

III. *And be it further enacted* by the authority aforesaid, That this Act shall continue in force for the space of five years, from the time of passing thereof, and from thence to the end of the next session of General Assembly, and no longer. Limitation five years.

WM. BULL, Jun., *Speaker*.

In the Council Chamber, the 29th day of May, 1744.

Assented to: JAMES GLEN.

AN ACT TO REMEDY SOME DEFECTS IN HIS MAJESTY'S RENT ROLL, No. 715.

AND TO ENABLE THE OFFICERS OF THE REVENUE TO MAKE A MORE PERFECT ROLL OF HIS MAJESTY'S QUIT RENTS IN THIS PROVINCE, AND TO DISCHARGE FROM THE PAYMENT OF FUTURE QUIT RENTS ALL SUCH PERSONS AS UPON TRANSFERRING THEIR PROPERTY SHALL ENTER MEMORIALS OF SUCH TRANSFER IN THE AUDITOR'S OFFICE, PAY THE QUIT RENTS DUE, AND COMPLY WITH THE OTHER DIRECTIONS OF THIS ACT.

WHEREAS, the provision already made by law for ascertaining his Majesty's quit rents in this Province, and to enable the officers of the revenue to make and continue a perfect roll of the same, hath not fully answered the ends proposed; and whereas, sundry other regulations not hitherto provided for by law, have been found necessary to be made concerning the said quit rents, and for the more speedy and effectual payment thereof; we his Majesty's most dutiful and loyal subjects having a due and grateful sense of all the royal bountys and favors bestowed upon us, do therefore humbly pray his most sacred Majesty that it may be enacted, Preamble.

I. *And be it enacted*, by his Excellency James Glen, Esquire, Governor-in-chief and Captain-General, in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council and the Assembly of this Province, and by the authority of the same, That all and every person and persons who do, or shall at any time hereafter, before the public notice hereinafter mentioned, hold

A. D. 1744.

Persons claiming lands by titles under the Crown, are within a certain time to deliver to the Auditor General, memorials thereof.

The memorials to contain particulars of the land claimed under them, and the rents thereon.

Except as to conveyances of town lots.

Grantees selling to non-residents to deliver memorials of such sales on oath.

Memorials of transfers to be entered and registered.

Penalty for neglect.

or claim any messuages, lands, tenements or hereditaments within this Province, granted since the property of the same has been vested in his Majesty, his heirs and successors, by virtue of any mesne conveyance, right or title whatsoever, derived from and under the original grant of the same, shall and are hereby required, within eighteen months after the passing of this Act and obtaining the royal approbation thereof, and public notice of such Act and approbation given in Charlestown, or elsewhere in this Province, by proclamation to be issued by the Governor or Commander-in-chief for the time being, to deliver memorials in writing upon oath, of all and every such their mesne conveyances, claims or titles respectively, to his Majesty's auditor general, or his deputy, in this Province, or to such other person or persons as his Majesty, his heirs or successors hereafter, shall be graciously pleased to appoint to receive and register the same, if memorials thereof before such public notice to be given as aforesaid, shall not have been duly registered; in which memorials to be delivered as aforesaid, shall be mentioned and expressed the particular quantity of lands claimed by the person or persons exhibiting or offering the same to be registered, the county, parish and place where situate, and the particular buttings and boundings of the same, and also what rents are reserved thereon, together with the dates of such mesne conveyances, other title, deeds or wills, and the names of the grantors and grantees, devisors and devisees, or other persons under whom they claim or derive their respective titles; for entering which memorial the auditor general, or his deputy, shall be allowed three shillings proclamation money or the value thereof in currency, and no more, the oath included: Provided always, that nothing hereinbefore contained, shall extend or be construed to oblige any person or persons to register memorials of the mesne conveyances, claims or titles to town lots within the town plats of townships already laid out, or hereafter to be laid out within this Province.

II. *And be it further enacted* by the authority aforesaid, That all and every person and persons whatsoever, who were or shall be original grantees, or have or shall have purchased or otherwise held or claimed under such original grantees, any messuages, lands, tenements or hereditaments within this Province, town lots as aforesaid excepted, since the property of the same has been vested in his Majesty, his heirs and successors, who have, or before such public notice to be given as aforesaid, shall have sold or conveyed, or may hereafter sell or convey the same to any person or persons not residents in this Province, shall and are hereby required, within eighteen months after the passing of this Act, and public notice to be given as aforesaid, or within eighteen months after the execution of such mesne conveyance, to deliver as aforesaid, a memorial in writing, upon oath, of such sales and conveyances, wherein shall be contained all the particulars hereinbefore directed to be inserted in memorials to be delivered by the possessors or claimers of any lands, tenements or hereditaments.

III. *And be it further enacted* by the authority aforesaid, That upon all transfers of the property of any lands, tenements or hereditaments within this Province, town lots as aforesaid excepted, after public notice of the royal approbation of this Act to be given as aforesaid, memorials of such transfers shall from time to time be entered in the manner before directed, within eighteen months after any such transfer or transfers respectively.

IV. *And be it further enacted* by the authority aforesaid, That all and every person and persons, who by this Act are required to register their sales, mesne conveyances or titles, shall do the same by or before the

times hereinbefore limited for doing thereof, on pain of forfeiting to his Majesty, his heirs and successors, double the sum which he, she or they ought or would have been obliged to have paid for quit rents, for or in respect of such lands, tenements or hereditaments, whereof a memorial ought to have been registered as aforesaid, the payment of such double quit rents to commence and be computed from the times respectively limited by this Act for entering or exhibiting such memorials; and such double quit rents shall be recovered in the same manner as his Majesty's other quit rents in this Province are now by law recoverable; and the same method shall be observed in the sales, seizures and returns of the overplus money, as if the said double quit rents had been single: Provided always nevertheless, that minors and feme coverts shall be allowed two years after they come of age, or are discovered, and persons residing beyond the seas or out of this Province, four years from and after the respective times hereinbefore limited for entering memorials, to register their memorials required by this Act, unless such persons beyond the seas shall sooner return into this Province, in which case they shall have eighteen months from the time of their arrival to register their memorials; and that they or either of them, shall not be subject to the forfeiture of double quit rents until after the expiration of the terms hereby allowed them respectively.

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Exception as
to minors and
feme coverts.

V. *And be it further enacted* by the authority aforesaid, That all and every person and persons who have been, now are, or hereafter shall be seized of any lands, tenements or hereditaments within this Province, and have or shall hereafter sell, convey or dispose of the same to any person or persons who shall have been settled, or have lived and resided for the space of twelve months immediately before such conveyance or sale, and have paid to the value of eight shillings proclamation money in the provincial taxes for that time, or who shall give good and sufficient security, to be approved of by the Governor and Council for the time being, for the due payment of the quit rents for the term of five years after such sale or conveyance, to grow due to his Majesty, his heirs and successors, for the lands to him, her or them so sold or conveyed, his, her and their heirs, executors and administrators, shall forever thereafter be freed, acquitted and discharged of and from the payment of any future quit rents for the same: Provided always, that memorials of such conveyances or sales, shall be duly entered according to the directions of this Act, and that the quit rents due to his Majesty, his heirs and successors, at the time of entering such memorial, shall be fully satisfied, paid off and discharged; any law, custom or usage, to the contrary thereof in any wise notwithstanding.

Persons paying
or securing the
quit rents for
five years, to
be exempted in
future.

Memorials to
be registered.

VI. And whereas, by his Majesty's royal instructions to his Excellency Robert Johnson, Esq., late Governor of this Province, reciting that great inconveniencies had arisen in many of his Majesty's Colonys in America, from the granting of excessive quantities of lands to particular persons who have never cultivated, and have thereby prevented others more industrious from improving the same, his Majesty therefore, amongst other things, signified his royal will and pleasure to the said Governor, that he should not suffer any person to possess any more acres of uncultivated lands than were mentioned in their respective grants; and he was also directed to recommend to the Assembly of this Province, to pass an Act or Acts, whereby the owners of all lands then already granted by the late Lords Proprietors, should be obliged within a reasonable time to take possession of and cultivate the lands by them claimed, on penalty of forfeiting such right and claim; but notwithstanding that no such Act or Acts were

Persons
monopolizing
large quantities
of land.

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Lands may be
surrendered on
payment of
quit rents.

ever passed in this Province, great quantities of lands were granted to the inhabitants of this Province, but the conditions inserted in such grants to oblige the grantees to cultivate and improve the same, have not proved effectual for the settlement of this Province, because although those conditions have not been complied with by many persons, yet his Majesty's Governor and Council have not been able to resume such lands, or to accept a surrender of them in behalf of his Majesty, that so those lands might be granted to other persons; and whereas, a great part of the lands so granted as aforesaid are still uncultivated, and in all likelihood will so remain for many years to come, unless this country shall be strengthened by an increase of people: And whereas, there are many persons who have obtained such grants as aforesaid, or hold under them, are sensible of the great dangers to which this Province is exposed by the lands being so thinly settled, and of the inconveniencys and prejudice that has arisen from the same, and are willing to surrender and yield up to his Majesty all the right they have to the lands which they hold or claimed under such grants, for the use of such industrious poor protestants and others, who are willing to become settlers, and to improve and cultivate such lands; wherefore, as well for the better receiving and collecting his Majesty's quit rents, which are reserved upon such grants, and which are or shall be due and in arrear, and for increasing the same in time to come, as for strengthening this Province by giving due encouragement to poor protestants and others to come and settle here, *Be it further enacted* by the authority aforesaid, That after the allowance, confirmation and final ratification of this Act by his Majesty, his heirs or successors, and after the publication of the same in this Province, it shall and may be lawful for any person or persons whosoever, who now do or hereafter may hold any lands, tenements or hereditaments by any grant or grants from his Majesty, his heirs or successors, or by any right or title derived under such grant or grants, to yield up and surrender the same grant or grants, and all the lands mentioned or described in such grant or grants, and all their title, claim and demand to all such lands, tenements or hereditaments, unto his Majesty, his heirs or successors, such person or persons first fully satisfying and paying to his Majesty, his heirs or successors, or to his or their receiver general, or to such other person as by him or them shall be appointed to receive the same, all such quit rents as shall or may be reserved on such grant or grants, and which shall be in arrear, due, owing or unpaid at the time of making such surrender; and it shall and may be lawful for the Governor or Commander-in-chief of this Province for the time being, by and with the advice and consent of his Majesty's honorable Council, to accept and receive such surrender on his Majesty's behalf, and shall cause the same to be certified to his Majesty's receiver and auditor general, or their deputy or deputys, residing in this Province; and after such surrender shall be made, accepted and received as aforesaid, such grantees as aforesaid and their heirs, and all and every person and persons claiming under them, or any of them, shall be forever thereafter freed and discharged from the payment of the quit rents reserved on such grants, and the lands, tenements and hereditaments described and contained in such grants, shall and may be again granted by his Majesty, his heirs or successors, for the use of such industrious poor protestants or others who may be willing to come over to this Province, and shall be desirous to improve and cultivate the same, and for no other use or purpose whatsoever.

VII. *Provided nevertheless, and be it further enacted* by the authority aforesaid, That if any surrender shall be offered to be made by any such

grantee or grantees as aforesaid, or their heirs, or by any person or persons claiming under them or any of them, where any waste or spoil has been committed, by making pitch, tar or turpentine on any of the lands, tenements or hereditaments holden or claimed under any such grant or grants from his Majesty, his heirs or successors, no such surrender as aforesaid shall be allowed to be made, received or accepted.

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No surrender of lands allowed whereon waste hath been committed.

VIII. And whereas, notwithstanding the good and wholesome laws heretofore made in this Province to prevent irregularitys being committed by the surveyor general in his office, or by any of his deputys, several deputy surveyors for the sake of unjust gain have made it a practice to make, certify and return several plats to different persons of the same land, and have also returned plats with feigned and false descriptions, which were not to be found on the lands delineated and represented, by reason whereof several of his Majesty's subjects have been put to considerable charges and expences in obtaining grants for such lands, and have been made chargeable in his Majesty's rent roll for quit rents of lands supposed to have been laid out for them, and have been otherwise much grieved and damaged by the fraudulent practices of such deputy surveyors; for remedy whereof, *Be it further enacted* by the authority aforesaid, That whenever such frauds shall be discovered and due proof shall be made of the same before the Governour or Commander-in-chief of this Province for the time being, and his Majesty's honorable Council, the party or partys so deceived shall be relieved, and may be at liberty to yield up and surrender any grant or grants which shall appear to have been certified and returned by any deputy surveyor in such fraudulent manner as aforesaid; and the Governour or Commander-in-chief of this Province for the time being, by and with the advice and consent of his Majesty's honorable Council, shall cause the matter to be certified to his Majesty's receiver and auditor general, or their deputys residing here, and the party or partys so grieved as aforesaid, and their heirs, shall be freed and forever discharged from the quit rents reserved on the grants passed upon such fraudulent return as aforesaid.

Persons deceived by frauds of surveyors may be relieved.

IX. *And be it further enacted* by the authority aforesaid, That this Act shall not be carried into execution or be of force until his Majesty, his heirs or successors, shall have approved thereof, and public notice of such approbation be given in this Province, as is hereinbefore directed; any thing in this Act contained to the contrary in any wise notwithstanding.

This Act not to be in force till approved by his Majesty.

WM. BULL, Jun., *Speaker.*

In the Council Chamber, the 29th day of May, 1744.

Assented to: JAMES GLEN.

A. D. 1744.

No. 716. *AN ACT* FOR THE RAISING AND LEVYING THE CHARGES OF CONVEYING MALEFACTORS AND OFFENDERS TO GOAL, AND FOR DEFRAYING THE CHARGES OF CRIMINAL PROSECUTIONS; AND FOR REPEALING THE LAST PARAGRAPH OF AN ACT OF THE GENERAL ASSEMBLY OF THIS PROVINCE ENTITLED "*An Act for authorizing the General Court of Charles City and Port to exercise several powers and privileges allowed to the County and Precinct Courts in this Province.*"

Preamble.

WHEREAS, great inconveniency and delay of justice hath heretofore arisen and may hereafter arise for want of proper means for defraying the charges of conveying malefactors and offenders to goal, by reason whereof many crimes committed in this Province may go unpunished; we therefore pray your most sacred Majesty that it may be enacted,

Criminals, if able, shall pay the charges of their commitment to goal.

I. *And be it enacted*, by his Excellency James Glen, Esq. Governour-in-chief and Captain General, in and over this his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council and the Assembly of this Province, and by the authority of the same, That from and after the passing of this Act, every person and persons who shall be committed to the common or provincial goal in this Province, by any justice or justices of the peace in this Province, for any offence or misdemeanour, having means or ability to do the same, shall bear their own reasonable charges for so conveying or sending them to the said goal, and the charges also of such as shall be appointed to guard them to the said goal, and shall so guard them thither; and if any person or persons so to be committed as aforesaid shall refuse to defray the said charges, or shall not pay or bear the same, that then such justice or justices of the peace are hereby authorized and required to give an order to the constable who shall bring such criminal before such justice, upon the public treasurer, for such a reasonable sum of money as he shall think necessary for defraying the charge of safe conducting such person or persons so committed to goal, and the said treasurer is hereby required to pay the same out of the money in his hands raised for defraying the contingent charges of the government, or out of such other moneys as shall be raised by the General Assembly for this purpose. And the justices of the said court, before whom the said criminal shall be tried, shall, upon conviction of such offender, by order of the said court authorize and direct the constable or constables of the county or parish where such person or persons shall be dwelling or inhabit, and from whence he, she or they shall be committed as aforesaid, or where he, she or they shall have any goods within the county or parish, to sell so much of the goods and chattels of the said persons so to be committed, as shall satisfy and pay the charges of such his, her or their conveying and sending to the said goal as aforesaid; the appraisement to be made by three of the freeholders, inhabitants of the said parish where such goods or chattels shall be, (the said freeholders being first sworn to make a just and true appraisement of the same); and the said constable shall return the sum so by him levied to the public treasurer, to replace the said money so paid out of the treasury for defraying the charge of conducting the criminal to goal as aforesaid; and the overplus of the money which shall be made on such levy, in case the offence shall be such as the offender's goods shall not be forfeited to his Majesty, shall be delivered to the party; but in case the

offence be such as that the offender's goods shall be forfeited to his Majesty, then the overplus to be paid to his Majesty's receiver general; and any sale of the goods and chattels made by the persons committed, between the time of the commitment and the time of conviction, in order to avoid the payment of the said charges, is hereby declared to be null and void.

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II. *And be it further enacted* by the authority aforesaid, That if the said person or persons, so to be committed as aforesaid, shall not have or be known to have any goods or chattels which may be sold for the purposes aforesaid, it shall and may be lawful for the court of general sessions of the peace, oyer and terminer, assize and general goal delivery, upon examination of the matter in open court, to make an order for the payment of such reasonable charges as aforesaid, for sending or conveying and guarding to the said goal such person or persons so to be committed as aforesaid, directed to the public treasurer of this Province for the time being, requiring him to pay the same out of the sums provided for defraying the contingencies of this Government, or out of such other money as the General Assembly shall from time to time think fit to direct and appoint or provide for the purposes aforesaid.

The public to pay such charges if the criminal cannot.

III. *And be it further enacted* by the authority aforesaid, That in case any criminal or criminals who shall hereafter be convicted, shall not have wherewithal to defray the charges and fees of prosecution, if it shall so appear to the said court, upon certificate thereof from the said court that such criminal or criminals are unable to pay such charges and fees, in such case the charges and fees shall be paid by the public of this Province, any law or custom to the contrary notwithstanding.

And the charges of prosecution.

IV. *And be it further enacted* by the authority aforesaid, That if any action of trespass or other suit shall happen to be brought against the person or persons for taking of any distress, making of any sale, or any other matter or thing done in pursuance of the directions of this Act, the defendants in any such action shall and may plead the general issue and give this Act and the special matter in evidence, in any of his Majesty's courts of justice in this Province where the said matter shall be depending, and the judges of the said court are to admit thereof, and after verdict found for the defendant, or nonsuit of the plaintiff, to award treble damages to the defendant, with costs of suit.

General issue may be pleaded and this Act given in evidence.

V. *And be it further enacted* by the authority aforesaid, That the last paragraph of an Act of the General Assembly of this Province entitled an Act for authorizing the General Court in Charles City and Port to exercise several powers and privileges allowed to the county and precinct courts in this Province, and some other regulations, be repealed.

Part of a former Act repealed.

WM. BULL, Jun., *Speaker.*

In the Council Chamber, the 29th day of May, 1744.

Assented to: JAMES GLEN.

A. D. 1744.

No. 717. *AN ACT* FOR THE MORE EFFECTUAL RELIEF OF INSOLVENT DEBTORS, AND FOR THAT PURPOSE PUTTING IN FORCE AND EFFECTUALLY CARRYING INTO EXECUTION IN THIS PROVINCE SUCH PART OF AN ACT, MADE IN THE PARLIAMENT OF GREAT BRITAIN, IN THE SECOND YEAR OF HIS PRESENT MAJESTY'S REIGN, ENTITLED AN ACT FOR RELIEF OF DEBTORS, WITH RESPECT TO THE IMPRISONMENT OF THEIR PERSONS, AS IS HEREINAFTER MENTIONED.

Preamble.

WHEREAS, the Acts heretofore made in this Province for the relief and discharge of poor, distressed, and insolvent prisoners for debt, have been liable to such great and notorious abuses, as have in a great measure obstructed the good ends and purposes of such Acts, and many idle and extravagant persons have, thereby, been encouraged to contract many debts beyond their capacity of ever paying, and others to submit themselves to a prison, and there spend what would make their creditors reasonable satisfaction; and whereas, there may be many others who are proper objects of compassion, and may be willing to satisfy their creditors as far as they are able; for preventing the like abuses, and for the ease and relief of such prisoners as shall be willing to satisfy their creditors as far as they are able, we humbly pray his most sacred Majesty that it may be enacted,

Insolvents may petition the court within one month after being in custody.

Furnishing an inventory of their property.

Public notice to be given.

I. *And be it enacted*, by his Excellency James Glen, Esq., Captain General, Governor, and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honorable Council and the Assembly of the said Province, and by the authority of the same, That if any person or persons whatsoever, shall be at any time hereafter sued, impleaded, or arrested for any debt, duty, demand, cause, matter, or thing, whatsoever, (except for such causes, matters, or things as are hereinafter excepted) and shall be minded to deliver up to his, her, or their creditors all his, her, or their effects, towards satisfaction of the debts wherewith he, she, or they stand charged, or in which he, she, or they shall be indebted to any person or persons whatsoever, it shall be lawful for every such person, within one month after he, she, or they shall be taken into custody, and not after, to exhibit a petition to any of the courts of law from whence such process issued, certifying the causes of his, her, or their imprisonment, or being served with such process, together with an account of his, her, or their real and personal estate, with the dates of the securitys wherein any part of it consists, and the deeds, notes, or vouchers relating thereto, and the names of the witnesses to the same, as far as his, her, or their knowledge extends therein; and upon such petition, the court may, and is hereby required, by order or rule, to cause the petitioner to be brought before them, and as well the creditors, at whose suit such person or persons shall stand charged, as all other the creditors to whom he, she, or they shall be indebted, to be summoned by public notice one month at least to be given in the Gazette, or for want of a Gazette, or other printed paper, then in such manner as the said court, or the justices thereof, shall direct, personally, or by their attorney, to appear at the said court, or before the said justices of the said court respectively, at a day certain by them for that purpose to be appointed, not exceeding one month, and upon the day of such appearance, if any of the creditors so summoned shall neglect or

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refuse to appear, upon affidavit of the service of such rule or order in manner aforesaid, the court shall in a summary way examine into the matter of the petition, and hear what shall be alledged for or against the discharge of the petitioner; and upon such examination, the court or the justices thereof may, and are hereby required to administer or tender to the petitioner an oath to the following effect: I, A, B, do solemnly swear in the presence of Almighty God, that the account, by me delivered into this honourable court, with my petition to this court, doth contain a full account of all my real and personal estate, debts, credits, and effects, whatsoever, which I, or any person or persons in trust for me, hath or have, or at the time of my said petition had, or which I am or was in any respect intitled to, in possession, remainder, or reversion, (except the necessary wearing apparel and bedding for me and my family, and the tools and instruments of my trade or calling, and my arms for muster,) and that I have not at any time since my being sued or arrested, or before, directly or indirectly sold, leased, assigned, or otherways disposed of, or made over in trust for myself or otherways, other than is mentioned in such account, any part of my lands, estate, goods, stock, money, debts, or other real or personal estate, or before or since the commencement of such process, bought or purchased in any manner whatsoever, any extraordinary cloaths, bedding, tools, or arms for muster, whereby to have or expect any benefit or profit to myself, with intention to defraud any of my creditors to whom I am indebted, so help me God. And in case such petitioner shall take the said oath before the said justices, and thereupon, and upon such examination, the said court or the justices shall be satisfied with the truth thereof, the said court or the justices aforesaid, may, and shall immediately order the lands, goods, and effects, contained in the said account, or so much of them as may be sufficient to satisfy the debts wherewith such petitioner as aforesaid shall be charged, and the fees of the keeper of the goal where such petitioner shall be in custody, together with the costs of suit which shall be incurred on the suit or prosecution commenced against such petitioner, by a short indorsement on the back of his or her petition, signed by the petitioner, to be assigned to the said creditors, or one or more of them, in trust for the rest; and by such assignment, the estate, interest, and property of the lands, goods, and effects so assigned, shall be vested in the persons to whom such assignment is made, who may take possession of or sue for the same, in his, her, or their own name and names, in like manner as assignees in commissions of bankrupts, can or lawfully may do by the laws and statutes of Great Britain; to which suit no release of such petitioner, his or her executors or administrators, or any trustee for him or her, subsequent to such assignment, shall be any bar; and upon such assignment executed, the petitioner shall be immediately discharged by order of court, or of the justices aforesaid, from any suit or suits, commenced or prosecuted by any creditor or creditors, who have been summoned as is hereinbefore directed; and if such petitioner shall be in custody or in prison, such discharge, provided such petitioner shall be only detained for the causes mentioned in such petition, shall be a sufficient warrant for the provost marshal or goaler to discharge such prisoner, and he is hereby required to discharge and set him or her at liberty without fee; nor shall such provost marshal or goaler be liable to any action of escape or suit upon that account; and the person or persons to whom such estate and effects shall be assigned, paying the fees to the provost marshal, or keeper of the prison in whose custody the person discharged was, and the costs of suit, shall, and are hereby required to divide the

Oath to be taken.

Court may make order thereon.

Assignment in favor of creditors.

Petitioner discharged.

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effects so assigned, among themselves, and all persons for whom they shall be intrusted, in proportion to their respective debts.

Creditors non resident.

II. *Provided always, and be it further enacted* by the authority aforesaid, That the debtor or debtors so discharged, shall never after be sued, impleaded, or arrested for any debt or debts, or demands, whatsoever, contracted, due, or owing to or with any person or persons at or before the time of preferring the petition of such debtor or debtors, except to such person or persons who shall be at that time without the limits of this Province, and who have no attorneys, factors, managers, or agents, who can be summoned within the time mentioned, in the notice hereby required to be given; provided also, that no person or persons shall be intitled to the benefit of this Act, who shall be sued, arrested, or imprisoned for damages recovered in any action for wilful maihem, or wilful and malicious trespass.

Discharge not available against mayhem or malicious trespass.

Petitioners convicted of perjury not to be discharged.

III. *And be it further enacted* by the authority aforesaid, That if any such person who shall take such oath, shall, upon any indictment for perjury, on any matter or particular contained in the said oath, be convicted by his or her own confession, or by the verdict of twelve men, the person so convicted shall suffer all the pains and forfeitures which may by law be inflicted on persons convicted of wilful perjury, and shall likewise be liable to be taken on any process *de novo*, and charged for the same debt or debts, or demands, in the same manner as if he or she had never been discharged, and shall never after have the benefit of this Act; any thing hereinbefore contained to the contrary notwithstanding.

IV. And whereas, the courts of common law only sit at four stated and appointed times in the year, therefore, for the more speedy relief of poor prisoners, *Be it further enacted* by the authority aforesaid, That the chief justice and any two of the justices of the court of common pleas in Charlestown, or the major part of the justices of such court, or court from whence the process against such person or persons, claiming the benefit of this Act, shall issue, shall, and hereby are declared to have the same cognizance and power for the relief of poor debtors, in respect of the imprisonment of their persons, in the vacation time, when such court or courts are not sitting; and shall, and are hereby authorized and required to proceed in the same manner, concerning the discharge of such debtors, and shall give the same judgment relating thereto, as any of the said courts of law, or the justices thereof, during the sitting of such courts, may, and are empowered and directed to do by virtue of this Act; any thing hereinbefore contained to the contrary notwithstanding.

A former Act repealed.

V. *And be it further enacted* by the authority aforesaid, That an Act of the General Assembly of this Province, intituled an Act for the relief of poor debtors, passed the twenty-third day of June in the year of our Lord one thousand seven hundred and twenty two, be and is hereby declared repealed, to all intents and purposes, and entirely null and void, and of no force, as if no such Act had ever been made.

Limitation to five years.

VI. *And be it further enacted* by the authority aforesaid, That this Act and every matter and thing therein contained shall continue and be in force for the term of five years from the time of passing thereof, and from thence to the end of the next session of the General Assembly, and no longer; any thing hereinbefore contained to the contrary in any wise notwithstanding.

WM. BULL, Jun., *Speaker.**In the Council Chamber, the 29th day of May, 1744.**Assented to:* JAMES GLEN.

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AN ACT for building a bridge over the North branch of Black River, opposite to the landing of John Wallis, Esq., deceased, in the Parish of Prince George Winyaw, and for building a Bridge between Lady's Island and St. Helena's Island in Granville County, from the causeways already begun to be made over the marshes on the said Islands. No. 718.

(Passed 29th May, 1744. See last volume.)

AN ACT for establishing and confirming a public street from the North bounds of Charlestown to the North end of the Bay of the said town, and for building a Bridge over the Marsh at the North end of the said Bay, and assessing the lands and improvements of the several persons therein named, towards defraying the expence of the same. No. 719.

(Passed 29th May, 1744. See last volume.)

AN ACT for the further preventing the spreading of contagious or malignant Distempers in this Province. No. 720.

(Passed May 29, 1744. Not now to be found.)

AN ACT TO PREVENT THE FURTHER SPREADING OF THE INFECTIOUS DISTEMPER AMONGST THE CATTLE IN THIS PROVINCE. No. 721.

WHEREAS, it is greatly to be feared that the infectious distemper, which, for some time past, has so violently raged amongst the cattle in divers parts of this province, still continues, and that the same, if not timely prevented, will spread and communicate itself through the whole Province; and whereas, it has been found by experience, that all the good endeavours which have heretofore been used for preventing the spreading of this malady, have proved ineffectual, we therefore pray your most sacred Majesty that it may be enacted, Preamble.

I. *And be it enacted*, by his Excellency, James Glen, Esq., Governor in chief and Captain General in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honourable Council, and the Assembly of this Province, and by the authority of the same, That all and every owner or owners of neat cattle within this Province, (excepting only large stocks of cattle at cowpens) shall, and they and each of them are hereby required, upon his, her, or their observing or receiving information that any of their cattle are sick, forthwith to separate such sick cattle from those that are well, and the whole of such cattle, if not then confined within a fenced pasture, shall be by such owner or owners immediately drove up from their open range and confined within a good and sufficient inclosure; and the same cattle shall be by them kept so confined and separated, as to prevent as far as may be, the further spreading of the said infection, either amongst their Sick cattle to be separated from the sound
Till otherwise ordered by a justice of the peace.

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own cattle or those of their neighbours, until the owners of such cattle shall be permitted to let them go at large in the woods or unfenced grounds, by an order from some neighboring justice of the peace, upon affidavit made before him that such cattle are free from infection; and every person or persons offending in the premises, shall forfeit for every offence the sum of twenty pounds proclamation money.

Dead cattle to be burned.

II. *And be it further enacted* by the authority aforesaid, That all and every person or persons, owners of, or who shall have any cattle under their care that shall happen to die of the infection, either within their own inclosures or in any of the woods or unfenced lands within three miles of the plantation to which the said cattle belong, or are usually kept, and who shall come to the knowledge thereof by information or otherwise, shall, and they are hereby required forthwith to burn or cause to be burnt, such dead cattle to ashes, or to bury or cause them to be buried at least four feet deep, under ground, in such manner that neither hide, horns, tallow, or any other part of such dead cattle be kept or reserved; and if, notwithstanding the burying of such cattle in manner aforesaid, any, or any part of them, shall thereafter happen to be rooted up by swine, dogs, or beasts of prey, every such person upon his receiving knowledge thereof, shall again bury such cattle or the parts so rooted up, or shall cause or procure the same to be done in manner aforesaid; and every person or persons who shall offend herein shall forfeit for every offence, the sum of four pounds proclamation money; provided nevertheless, that in all cases wherein the owner or owners of such cattle shall happen not to reside upon the plantation to which the said cattle shall belong, the overseer or other person having charge of the same, shall be subject and liable to the said penalty.

Penalty for neglect, £4

Owners of cattle found dead to be notified thereof, or they may be burned by the finder at the expence of the owner.

III. *And be it further enacted* by the authority aforesaid, That if any person or persons shall happen to find upon his, her, or their lands or plantations any dead cattle belonging to any other person or persons, (except large stocks of cattle at cowpens,) every person or persons so finding such dead cattle, shall give immediate notice thereof to the owner or owners of such cattle, their overseers or cowpen-keepers, and every such owner or owners, their overseers or cowpen-keepers, shall forthwith burn or bury, or cause to be burnt or buried, the bodies of the said cattle, in manner hereinbefore directed; and in case they or either of them shall neglect or refuse so to do, then the said person or persons so finding the said cattle, are hereby required to burn or bury the same in manner aforesaid, or to procure the same to be done, and all his, her, or their expences, trouble, and attendance shall be paid by the owner or owners of the said cattle, and shall be recovered in like manner as the penalties in this Act, not exceeding the sum of four pounds proclamation money, are hereinafter directed to be levied and recovered.

Commissioners of the roads may fix gates to prevent communication.

IV. *And be it further enacted* by the authority aforesaid, That the commissioners of the several high roads in any parish or parishes, within this Province, shall be, and they are hereby impowered and required to erect and affix gates or turnpikes at the entrance of such bridges as they shall think proper within their respective parishes or districts, in order to prevent the straying of any infected cattle, from one place to another, whereby the said infection may be spread, and all such gates or turnpikes, so to be erected and affixed, shall be continued and kept up as long as the said commissioners shall judge the same necessary; and all the charges and expences which shall or may accrue and happen in erecting and keeping up the said gates or turnpikes, shall be paid by the several inhabitants of the said parish or parishes, and shall be assessed and levied

At the expence of the inhabitants.

by the said commissioners, or a majority of them, in like manner as all the public charges or expences relating to high-roads, bridges, or causeways, are, by any of the laws of this Province, directed to be levied or assessed. A. D. 1744.

V. *And be it further enacted* by the authority aforesaid, That no owner of, or overseer on any plantation, where the cattle have been in any wise infected, shall suffer any working oxen to go in carts or wains, or otherwise, beyond the limits of such plantation, unless such owner or overseer shall first have and obtain a permission so to do, from the next neighbouring justice of the peace, upon oath made that the infection hath ceased among such cattle for the space of six months past, at least, (which permission shall be given gratis,) and every person who shall offend herein, shall forfeit the sum of four pounds proclamation money for every offence. Owners of plantations where cattle have been infected not to permit their cattle to be driven beyond their plantations, on penalty of £4.

VI. *And be it further enacted* by the authority aforesaid, That in case any person or persons whoever, shall, at any time after fourteen days from and after the passing of this Act, carry over or transport, or cause to be carried over or transported, or give any assistance in carrying over or transporting, any neat cattle, in any manner of ways, from the south side to the north side of Santee river, whether such cattle have been infected or not, every person who shall offend herein, shall, for every offence, forfeit the sum of one hundred pounds proclamation money, and it shall and may be lawful for any person whoever, to kill and destroy any such cattle as shall or may be carried over Santee river, as aforesaid, contrary to the true intent and meaning of this Act; and such person burying such cattle in the manner as before in this Act is directed, shall have and receive the sum of ten shillings proclamation money per head, for all cattle so to be destroyed and buried, to be paid out of the fines and forfeitures inflicted by this Act. No cattle to be transported from the north side of the Santee. On penalty of £100.

VII. *And be it further enacted* by the authority aforesaid, That all the fines and forfeitures in this Act contained, which exceed the sum of four pounds proclamation money, shall be applied, one half to the use of the public, and the other half to him or them that will sue for the same by action of debt, bill, plaint, or information, in any court of record in this Province; and the several fines and forfeitures in this Act mentioned, that do not exceed the sum of four pounds proclamation money, shall be recovered as debts by the Act for the tryal of small and mean causes, are directed, and the same being so recovered, shall be applied, one half to the informer, and the other half to the use of the public aforesaid; and if any person shall be sued or prosecuted for any matter or thing done in pursuance of the directions of this Act, it shall and may be lawful to and for such person to plead the general issue, and give this Act and the special matter in evidence. Fines to be recovered by qui tam action.

VIII. *And be it further enacted* by the authority aforesaid, That this Act shall continue and be in force for the space one year, and from thence to the end of the next session of the General Assembly, and no longer. Limitation one year.

WILLIAM BULL, Jun., *Speaker.*

In the Council Chamber, the 22nd day of March, 1744.

Assented to: JAMES GLEN.

A. D. 1744.

No. 722.

AN ACT TO REVIVE AND CONTINUE THE SEVERAL ACTS THEREIN
MENTIONED.

WHEREAS, several wholesome and beneficial temporary laws of this Province are expired or near expiring, we humbly pray your most sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Excellency James Glen, Esq., Governor, Captain General and Commander-in-Chief in and over the Province of South Carolina, by and with the advice and consent of his Majesty's honorable Council and the Assembly of this Province, and by the authority of the same, That an Act of the General Assembly of this Province entitled an Act for granting to his Majesty an additional duty on Madera wine, rum, molasses, flour, Muscovado and clayed sugar, for the use of the public of this Province, passed the ninth day of April, in the year of our Lord one thousand seven hundred and thirty-four; and one other Act entitled an Act for regulating the Guard at Johnson's Fort, and for keeping good orders in the several forts and garrisons under the pay and establishment of this Government, and for encouraging the several officers and soldiers therein, passed the fifth day of March, in the year of our Lord one thousand seven hundred and thirty-six; and one other Act entitled an additional Act to an Act entitled an Act for the keeping and maintaining a Watch and good orders in Charlestown, passed the fifth day of March, in the year of our Lord one thousand seven hundred and thirty-six; and one other Act entitled an Act for licensing Hawkers and Pedlars, and petty chapmen, and to prevent their trading with indented servants, overseers, negroes and other slaves, passed the eleventh day of September, in the year of our Lord one thousand seven hundred and thirty-seven; and one other Act entitled an Act for the better regulating the Militia of this Province, passed the eleventh day of March, in the year of our Lord one thousand seven hundred and thirty-seven; and one other Act entitled an additional and explanatory Act to an Act entitled an Act for the better regulating the Militia of this Province, passed the third day of April, in the year of our Lord one thousand seven hundred and thirty-nine; and one other Act entitled an Act for the further security and better defence of this Province, passed the eighteenth day of September, in the year of our Lord one thousand seven hundred and thirty-eight; and one other Act entitled an Act for preserving peace and continuing a good correspondence with the Indians who are in friendship with the Government of South Carolina, and for regulating the trade with the said Indians, passed the eleventh day of April, in the year of our Lord one thousand seven hundred and thirty-nine—be, and are hereby declared to be, revived and continued, and enacted to be of full force and virtue, for and during and unto the full end and term of five years after the passing of this Act, and from thence to the end of the then present session of the General Assembly, and no longer.

WM. BULL, Jun., *Speaker.*

In the Council Chamber, March 22, 1744.

Assented to: JAMES GLEN.

A. D. 1745.

No. 723.

AN ACT for the continuance of process and judicial proceedings, and for enabling the Chief Justice of this Province, public Treasurer, and Coroner for Berkley County, to draw Grand Jurymen and Petit Jurymen, to serve at the next ensuing Court of General Sessions of the Peace, Oyer and Terminer, Assize and general Goal delivery, to be holden at Charlestown, in the Province aforesaid, on the third Wednesday in March next.

(Passed 23rd January, 1745. See last volume.)

AN ACT for the raising and granting to his Majesty the sum of forty-five thousand three hundred and ninety-three pounds five shillings and three farthings, and for applying the sum of eight thousand three hundred and ninety-three pounds seventeen shillings and one penny, being the surplus of taxes, and the balance of several funds in the public Treasury of this Province, making together, the sum of fifty-three thousand seven hundred and eighty-seven pounds two shillings and one penny three farthings, for defraying the charges of the Government for one year, commencing the twenty-fifth day of March in the year of our Lord one thousand seven hundred and forty-four, inclusive, and ending the twenty-fifth day of March one thousand seven hundred and forty-five, exclusive.

(Passed January 25, 1745.)

AN ACT FOR CONTINUING AND AMENDING OF AN ACT ENTITLED "*An Act to prevent the further spreading of the Infectious Distemper amongst the Cattle in this Province;*" AND FOR THE AMENDING AND CONTINUING SUCH PART OF AN ACT ENTITLED "*An Act for the better ordering and governing Negroes and other Slaves in this Province,*" AS IS NOT AMENDED, ALTERED OR REPEALED BY THIS PRESENT ACT.

FORASMUCH as the provision made by an Act of the General Assembly of this Province entitled an Act to prevent the further spreading of the Infectious Distemper amongst the Cattle in this Province, hath not been found fully to answer the good ends proposed in passing the same, we therefore humbly pray your most sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Excellency James Glen, Esquire, Governor in chief and Captain General in and over this his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honorable Council and the Commons House of Assembly of this Province, and by the authority of the same, That in case any person or persons whoever shall at any time after ten days from and after the passing of this Act carry or give any assistance in the carrying of any cattle from any plantation or range in this Province where the infectious distemper may be, to any other part of the Province where the cattle are not infected, every such person shall forfeit the sum of one hundred pounds proclamation money: Provided always, that nothing herein contained shall extend or be construed to extend to hinder or prevent any person from driving any neat cattle from any plantation or range where the cattle are not infected, to the market in Charlestown.

Any person assisting to carry cattle from parts where they are, to parts where they are not infected, shall forfeit £100.

Proviso.

A. D. 1745.

Transporting
cattle from the
main land to
any Island.

II. *And be it further enacted* by the authority aforesaid, That in case any person or persons whoever shall at any time after ten days from and after the passing of this Act, carry over or transport, or cause to be carried over or transported, or give any assistance in the carrying over or transporting any neat cattle, in any manner of ways, from the main land to any island in this Province, whether such cattle have been infected or not, every such person who shall offend herein shall for every offence forfeit the sum of one hundred pounds proclamation money; and it shall and may be lawful to and for any person whoever to kill and destroy any such cattle as shall or may be carried or transported to any island as aforesaid, contrary to the true intent and meaning of this Act: Provided always, nevertheless, that nothing herein contained shall extend or be construed to extend to hinder any person from carrying or transporting any neat cattle which are not infected from the main land to any island that is the sole property of or leased by such person; any thing before to the contrary notwithstanding. And the said fines and forfeitures shall be sued for, recovered and applied in the same way and manner as by the last above recited Act is directed and appointed.

Prosecutions to
be commenced
within six
months after
the offence
is committed.

III. *Provided always, and be it further enacted* by the authority aforesaid, That every prosecution for any fine, penalty or forfeiture inflicted or directed for any offence hereafter to be committed against this Act, or the hereinbefore in part recited Act, shall be commenced within six months after such offence committed, and at no time after; any thing in this, or in the said in part recited Act, or any other law, statute or usage, to the contrary in any wise notwithstanding.

Slaves enticing
other slaves to
run away,

IV. And forasmuch as by the seventeenth paragraph of the Act entitled an Act for the better ordering and governing Negroes and other Slaves in this Province, it is, amongst other things, enacted that every slave who shall endeavour to delude or entice any slave to run away and leave this Province, shall, upon conviction, suffer death, which is a punishment too great for the nature of the offence, as it might happen that such offender may afterwards alter his intentions; *Be it therefore enacted* by the authority aforesaid, That such part of the said paragraph as relates only to slaves endeavouring to delude or entice other slaves to run away and leave this Province, be, and is hereby declared to be, repealed, annulled, and void to all intents and purposes whatever; any thing in the said Act contained to the contrary thereof in any wise notwithstanding.

and make pre-
parations for
running away,
shall suffer
death.

V. *And be it further enacted* by the authority aforesaid, That every slave who shall endeavour to delude or entice any slave to run away and leave this Province, and shall have actually prepared provisions, arms, ammunition, or any boat, canoe or other vessel, whereby such their intentions shall be manifested, every such slave and slaves shall, upon conviction thereof, (as by the said Act is directed) suffer death; provided always, as in the said seventeenth paragraph of the said Act is provided.

Slaves so con-
demned to be
appraised at a
sum not ex-
ceeding £40.

VI. *And be it further enacted* by the authority aforesaid, That in case any slave or slaves shall hereafter be put to death for any crime or crimes whatever, the justices, or one of them, with the advice and consent of any two of the freeholders who shall try such slave or slaves, shall, before they award and order their sentence to be executed, appraise and value the said slave or slaves so to be put to death, at any sum not exceeding forty pounds proclamation money, and shall certify such appraisement to the public treasurer of this Province, who is hereby authorized and required to pay the same, one moiety thereof at least to the owner, and the other moiety (or such part thereof as such justices and freeholders shall direct) to the person or persons injured by the offence for which such slave

shall suffer death; any thing in the said Act contained to the contrary thereof in any wise notwithstanding. A. D. 1745.

VII. And whereas, there is not any provision made by the last above mentioned Act for the subsistence of slaves that may become lunatick, belonging to poor persons who may be unable to provide for the maintenance of such lunatick slaves, or to keep them so confined as to prevent their doing mischief; *Be it therefore enacted* by the authority aforesaid, That in case any slave belonging to any poor person in any parish in this Province, hath or shall hereafter become lunatick, it shall and may be lawful to and for any justice of the peace for the county where such lunatick slave may be, and such justice shall be and he is hereby obliged and required, upon the first notice thereof, to cause such slave to be secured in some convenient place in the parish where such slave may be, as well to prevent his or her doing any mischief, as for the better subsisting such lunatick slave; and the charge and expense of keeping and maintaining such lunatick slave, shall be defrayed by the inhabitants of the parish respectively where the same may happen; and such charge and expense, as well for any slave that hath already been secured and maintained, as any that may hereafter be secured and maintained as aforesaid, shall be assessed, levied and collected in the same way and manner and by the same persons as the poor tax is directed to be assessed, levied and collected, in and by an Act of the General Assembly entitled an Act for the better relief of the poor of this Province, passed the twelfth day of December, one thousand seven hundred and twelve; and the persons directed by the said Act to collect the poor tax, are hereby vested with all the powers and authorities for the assessing, levying and collecting the expense of keeping and maintaining lunatick slaves, as are given by the said Act for the assessing, levying and collecting the taxes for the relief of the poor.

Lunatic slaves
to be secured.

VIII. And whereas, slaves which run away from their masters and lie out for a considerable space of time, at length become desperate and stand upon their defence with knives, weapons or arms; therefore, in order to encourage all persons whatever to hazard their persons in endeavouring to apprehend or secure any such runaway or outlier, *Be it further enacted* by the authority aforesaid, That if any person shall at any time hereafter apprehend and secure any slave who shall have been runaway from his master or owner for at least the space of six months, and who shall endeavour to defend himself by a knife, sword, cutlass, gun, pistol or other weapon, such person, being a white man, shall, over and above the reward provided by law, in case of his being maimed, wounded, or disabled, be entitled to a reward of twenty pounds from the master or owner of the said slave; and if such person be a slave himself, he shall be entitled to a reward of ten pounds, in like manner; which reward shall be recovered by warrant from any justice of the peace, upon oath made of the fact before him.

Reward for
apprehending
slaves who
shall make
desperate
resistance.

IX. *And be it further enacted* by the authority aforesaid, That the said Act entitled an Act to prevent the further spreading of the infectious distemper amongst the cattle in this Province, shall be, and is hereby declared to be continued, and enacted to be of full force and virtue for and during and unto the full end and term of two years; and that such part of the said Act entitled an Act for the better ordering and governing negroes and other Slaves in this Province, as is not altered or repealed by this present Act, shall be and is hereby declared to be continued and enacted to be of full force and virtue, for and during and unto the full end and term of five years after the passing of this Act, and from thence to the end of the next session of the General Assembly, and no longer.

Limitation of
2 former Acts.

A. D. 1745.

X. *And be it further enacted* by the authority aforesaid, That such part of this Act as relates to the Act first mentioned shall be of force and continue for the space of two years; and such part thereof as relates to the last mentioned Act, shall be of force and continue for the space of five years, and no longer.

WM. BULL, Jun., *Speaker.*

In the Council Chamber, the 22d day of March, 1745.

Assented to: JAMES GLEN.

No. 726. *AN ACT* TO SUPPLY THE DEFECTS IN THE EXECUTION OF AN ACT ENTITLED "*An Act for the Establishment of Religious Worship in this Province, according to the Church of England, and for erecting Churches for the public warship of God, and also for the maintenance of Ministers and the building convenient houses for them,*" IN SO FAR AS RELATES TO THE NOMINATING, AND FROM TIME TO TIME KEEPING UP, THE NUMBER OF COMMISSIONERS THEREIN MENTIONED.

Preamble.

Act of November 30th, 1706.

WHEREAS, in and by an Act of the General Assembly of this Province, intituled an Act for the establishment of religious worship in this Province, according to the church of England, and for erecting churches for the public worship of God, and also for the maintenance of ministers and the building convenient houses for them, passed the thirtieth day of November, in the the year of our Lord one thousand seven hundred and six, it was amongst other things enacted, that in case of the death, absence or resignation of the said commissioners, the remaining commissioners, or so many of them as will meet, provided they exceed the number of ten, being summoned at least six days before they meet, at some convenient place appointed for that purpose, such commissioners as shall so meet upon such summons, or the major part of them, shall or may choose a person or persons of the church of England, to be commissioner or commissioners in the room or place of such person or persons dead, gone off or resigning, as to them shall seem meet, which persons so chosen, shall and are thereby declared to be commissioners for the said Act, as fully and amply as if they had by name been mentioned in the said Act, as in and by the said Act of the General Assembly, relation thereunto being had, may more fully appear: And whereas, all the persons named and appointed commissioners in and by the said Act, excepting the honourable William Bull, Esq. Lieutenant Governor of this Province, are dead, without having continued their succession pursuant to the powers given them by the said Act; and whereas, by reason of the omission of the commissioners to fill up the vacancies happening among the said commissioners by death, there are not now a sufficient number of commissioners to transact and carry into execution the several matters required to be done and transacted in and by the said Act, so that the good ends and purposes of the said Act, particularly the electing of the ministers of the church of England into the several vacant parishes in this Province, will be wholly frustrated; for remedy whereof, and for supplying the defect in the execution of the said Act, we humbly pray your most sacred Majesty that it may be enacted,

I. *And be it enacted*, by His Excellency James Glen, Esq., Governour in-chief, and Captain General in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honourable Council and the Assembly of this Province, and by the authority of the same, That the Governor or Commander-in-chief for the time being, the honorable William Bull, James Kinloch, John Fenwicke, Joseph Wragg, John Hamner, John Colleton, Edmond Atkin, Joseph Blake, William Middleton, John Cleland, Charles Pinckney and Richard Hill, Esquires, the Rev. Mr. Alexander Garden, Benjamin Whitaker and Gabriel Manigault, Esquires, of the parish of St. Philips, Charlestown; William Bull, jr. Esq., of the parish of St. Andrew; Benjamin Godin, Esq. of St. James's Goose Creek; Captain Thomas Ashby, of the parish of St. Thomas and St. Dennis; Captain John Bull, of the parish of St. Paul; Mr. John Stanyarne, of the parish of St. John, in Colleton county; Col. Henry Hyrne, of the parish of St. Bartholomew; Colonel Nathaniel Barnwell, of the parish of St. Helena; and Mr. Anthony Atkinson, of the parish of Prince Frederick—be and they are hereby declared and enacted to be the commissioners for carrying into execution the several powers and authorities, matters and things, which in and by the said Act are directed and required to be carried into execution, and which at the time of passing this Act remain unperformed, or which any subsequent Act or Acts of this Province relating to church commissioners may require to be performed; and the said commissioners, or any eleven of them met together on summons, shall have the same powers and authorities in relation to the said Act or Acts, as if they had been originally named therein; any thing in the said Act, or any other Act, law, usage or custom to the contrary in any wise notwithstanding.

II. *Provided nevertheless, and be it further enacted* by the authority aforesaid, That the powers and authorities hereby or by the said Act given to the said commissioners or any of them, shall not extend to enable them or any of them to alter the bounds of parishes, without application to them for that purpose made by the church-wardens and vestry of the parishes so to be ascertained or altered; provided also, that the said commissioners shall have no power or authority to fix or ascertain the course of exchange in this Province: And provided also, that in case any vacancy shall happen by death or otherwise, among the said commissioners, the remaining commissioners shall without delay, nominate the successors to such vacancy, out of the laymen of the respective parishes where such vacancies may happen.

A. D. 1745.

Commissioners
nominated to
execute the
former Act.The commis-
sioners may not
alter the
bounds of
parishes.How vacancies
are to be filledWM. BULL, Jun., *Speaker.**In the Council Chamber, the 25th day of May, 1745.**Assented to : JAMES GLEN.*

AN ACT FOR FOUNDING AND ESTABLISHING A PAROCHIAL CHAPEL OF EASE AT THE TOWN OF EDMONDSBURY, IN THE PARISH OF ST. BARTHOLOMEW, IN COLLETON COUNTY, AND TO IMPOWER CERTAIN COMMISSIONERS THEREIN NAMED TO RECEIVE SUBSCRIPTIONS, AND THEREWITH TO BUILD THE SAID CHAPEL. No. 727.

WHEREAS, the church-wardens, vestry-men and other inhabitants of the parish of St. Bartholomew, have by their humble petition to the Gen

A. D. 1745.

Preamble.

eral Assembly of this Province, set forth that the said parish of St. Bartholomew is of very great extent, and there being but one place appointed for the celebration of divine service, according to the church of England, viz. a chapel not far from Pon Pon river, a great number of the inhabitants live so remote from the said chapel, that it is impossible for them to resort thither with their families, and that it is likewise with great difficulty that many of them attend at elections and other public business usually transacted at the parish church or chapel, while many more cannot attend at all on those occasions: And have further set forth, that the town or village of Edmondsbury, on Ashepoo river, is very conveniently situated for another chapel, which will suit most of the inhabitants who cannot easily go to that near Pon Pon; to the end, therefore, that none of the parishioners of the said parish may be deprived of the worship of God, or of entering into the communion of the church of England as by law established, we humbly pray your most sacred Majesty that it may be enacted,

Commissioners appointed to receive subscriptions.,

I. *And be it enacted*, by his Excellency James Glen, Esquire, Governor-in-chief and Captain-General, in and over this his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council and the Assembly of the said Province, and by the authority of the same, That Henry Hyrne, David Godin and Burnaby Bull, Esquires, be and are hereby appointed commissioners to take subscriptions, and to collect and receive all such sum and sums of money as shall be voluntarily subscribed and given by any well disposed person or persons, for and towards the building a chapel at the said town of Edmondsbury; and the said commissioners, or any two of them, shall be and they are hereby fully authorized, empowered and directed therewith to build a chapel of ease at the said town of Edmondsbury, in such manner and form, and of such dimensions, and with such materials as they shall think best.

To be a parochial chapel of ease.

II. *And be it further enacted* by the authority aforesaid, That the said chapel when built, shall from thenceforth continue and remain, and be held, reputed, called, known and taken to be a parochial chapel of ease, until such time as a church shall be built in the said parish.

The rector of St Bartholomew's to perform duty.

III. And that the inhabitants of the said parish may attend divine worship in the said chapel, agreeable to the church of England, as by law established, *Be it enacted* by the authority aforesaid, That immediately from and after the time that the said chapel shall be finished, the rector or minister of the said parish of St. Bartholomew for the time being, shall be and he is hereby required to celebrate divine service according to the rubric and liturgy of the church of England, and preach, and do and perform all such sacred and ministerial offices which by him may be done and performed, (until such time as a parish church shall be built) at the chapel hereby directed to be built, and at the other chapel near Pon Pon river, alternately.

Public business to be transacted thereat.

IV. *And be it further enacted* by the authority aforesaid, That all elections and other public business which is usually transacted in the parish churches, (in the mean time and until a parish church shall be built in the said parish of St. Bartholomew) shall be transacted at each of the said chapels alternately; any law, statute, usage or custom, to the contrary thereof in any wise notwithstanding.

WM. BULL, Jun., *Speaker.*

In the Council Chamber, the 25th day of May, 1745.

Assented to: JAMES GLEN.

A. D. 1745.

AN ACT to empower the Commissioners of the high roads for the Parish of St. John, in Berkley county, to make a new Causeway leading to Childsbury ferry in the said parish, and for cutting a water passage through certain Lakes at the head of Black Mingo creek, in the parish of Prince Frederick, Winyaw, and to rectify a mistake in an Act of the General Assembly of this Province entitled an Act for building a Bridge over the north branch of Black river, opposite to the landing of John Wallis, Esq. deceased, in the parish of Prince George, Winyaw, and for building a Bridge between Lady's Island and St. Helena's Island, in Granville county, from the causeways already begun to be made over the Marshes on the said Island.

(Passed May 25, 1745. See last volume.)

No. 728.

AN ACT FOR IMPOSING AN ADDITIONAL DUTY OF SIX PENCE PER GALLON ON RUM IMPORTED, AND FOR GRANTING THE SAME TO HIS MAJESTY, FOR THE USE OF THE FORTIFICATIONS IN THIS PROVINCE, AND FOR ALLOWING A DISCOUNT OF TEN PER CENTUM OUT OF THE DUTYS ON SUGARS IMPORTED FOR WASTAGE, AND TO DIRECT THE MANNER OF MAKING ENTRIES OF GOODS OR MERCHANDISE IMPORTED, WHICH ARE LIABLE TO PAY MORE THAN ONE DUTY WITH THE COUNTRY COMPTROLLER AND PUBLIC TREASURER, AND FOR REPEALING AN ACT OF THE GENERAL ASSEMBLY OF THIS PROVINCE, INTITLED "*An Act for continuing a duty and imposition of three pence per gallon on Rum imported, and for raising a fund to finish and keep in repair the new brick Church in Charlestown, and for the more effectual carrying on and maintaining the Fortifications of this Province, and for enlarging the number of the Commissioners of the Fortifications, and to empower the Commissioners of the Fortifications to stamp orders for defraying the expence of the works by this Act directed to be immediately carried on for the defence of Charlestown.*"

No. 729.

WHEREAS, the imposing an additional duty of six pence per gallon on all rum imported, for defraying the expence of building and repairing the fortifications, and keeping in repair the brick church in Charlestown, will be of great advantage and ease to the inhabitants of this Province; we his Majesty's most dutiful and loyal subjects, the Assembly of this Province, have cheerfully given and granted, and do hereby give and grant unto his most sacred Majesty an additional duty of six pence per gallon on all rum imported, to be raised, levied, paid, and applied in the manner, and to the uses hereinafter mentioned; we therefore humbly pray your most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted*, by his Excellency James Glen, Esq. Governour-in-chief and Captain General, in and over this his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council and the Assembly of the said Province, and by the authority of the same, That for every gallon of rum that shall be hereafter imported into this Province during the continuance of this Act, there shall be paid by the importer to his Majesty, his heirs and successors, by

Additional duty
of 6d. per gallon
imposed on
imported rum.

A. D. 1745.

way of imposition thereupon, the sum of six pence current money additional duty for every gallon, to be paid within six months after the time of importation, and to be applied as is hereinafter directed and appointed.

To be paid and received under penalties of former Acts.

II. *And be it further enacted* by the authority aforesaid, That the said sum of six pence for every gallon of rum which shall from time to time be imported into this Province, during the continuance of this Act, shall be under the management of the public treasurer of this Province for the time being, and the officers appointed to manage the duties and impositions laid and imposed by the Acts of the General Assembly of this Province for the time being, and shall, or may from time to time, be received, raised, levied, collected, and paid to his Majesty, his heirs and successors in such manner, method, and form, and by such rules, ways, and means, and under such penaltys and forfeitures, as are expressed, mentioned, and appointed in and by any Act or Acts of the General Assembly now in force, for granting, raising, levying, receiving, or collecting any other duty or duties or impositions now due and payable to his Majesty, or laid or imposed upon any goods or merchandize by any Act of the General Assembly of this Province; and that all and every the powers, authorities, penaltys, forfeitures, disabilities, articles, rules, and clauses in the said Acts, or any of them, mentioned or contained, shall be of such force and effect to all intents and purposes, for the receiving, raising, collecting, and answering the duty and imposition hereby granted, during the continuance of this Act, as if the same were particularly and at large set down and enacted in this Act; any former law, custom, or usage to the contrary notwithstanding.

Appropriation of the monies received.

III. *And be it further enacted* by the authority aforesaid, That all and every such sum and sums of money as shall be raised, collected, or levied by virtue of this Act, (the necessary charges of raising, managing, and accounting for the same only excepted) shall be from time to time received and paid by the public treasurer of this Province for the time being; and the same moneys are, and shall be by force and virtue of this Act, appropriated, issued, applied, and disposed to the building new, and repairing the present fortifications of this Province, according to the directions of an Act commonly called the fortification Act, excepting the sum of two hundred pounds per annum, which shall be yearly applied towards finishing and keeping in repair the church of St. Philips, Charlestown, and paid by the public treasurer into the hands of the church wardens and vestry of the said parish for the time being for the said purpose; and the public treasurer for the time being is hereby directed and required to pay the same accordingly.

Ten per cent wastage allowed on sugars.

IV. *And be it further enacted* by the authority aforesaid, That there shall be allowed out of the duties on all sugars imported, a discount of ten per centum for wastage; and the public treasurer is hereby authorized and required to allow the same accordingly; any law, custom, or usage to the contrary notwithstanding.

Fees allowed for a single entry only.

V. *And be it further enacted* by the authority aforesaid, That all persons having any entries to make of any goods or merchandize imported, with the comptroller of the country duties, and the public treasurer, which are liable to pay more than one duty, shall and may insert all and every the several duties imposed by law on such goods or merchandize imported, in one entry, and shall pay to the said officers, fees for one entry only, notwithstanding any former custom to the contrary.

VI. *And be it further enacted* by the authority aforesaid, That an Act of the General Assembly of this Province intituled an Act for continuing a duty and imposition of three pence per gallon on rum imported, and

for raising a fund to finish and keep in repair the new brick church in Charlestown, and for the more effectual carrying on and maintaining the fortifications of this Province, passed the eighth day of October one thousand seven hundred and thirty-seven, be, and the said Act is hereby declared to be repealed, and null and void to all intents and purposes whatsoever; any thing in the said Act contained to the contrary in any wise notwithstanding.

A. D. 1745.

Act of Oct. 8, 1737, repealed.

VII. And whereas, Charlestown would be rendered much more secure if the several works hereinafter mentioned were carried into execution, *Be it therefore enacted* by the authority aforesaid, That the commissioners of the fortifications and those hereinafter named, or any five of them, are hereby impowered, required, and directed forthwith to cut and open a moat in or through the neck of land and marsh from Craven's Bastion on the north end of the Bay-street to the work house in Charlestown, or thereabouts, where it may be judged most convenient, of the mean breadth of thirty-six feet and as deep as possible; and also to erect one or two bastions to clear and command the said moat, and a battery of six or eight guns, at Rhett's point; and also to cut and dig a moat of the breadth of twelve feet before the curtain line on the bay of Charlestown aforesaid, and joining the said curtain line and round the salient angles and half moons from Granville's bastion to Craven's bastion aforesaid.

Commissioners may cut and open a moat.

Another.

VIII. And *be it further enacted* by the authority aforesaid, That the commissioners aforesaid, or any five of them, are hereby further directed and impowered forthwith to erect and build upon the marsh fronting the said curtain line unto the southward of Hog Island creek, a sufficient horse-shoe battery not exceeding sixteen cannon.

IX. And *be it further enacted* by the authority aforesaid, That the commissioners aforesaid, or any of them, be, and they are hereby impowered to draw orders upon the public treasurer from time to time for any sums for the amount or value of work done, or materials furnished for the said fortifications; and the said treasurer is hereby impowered and required to pay the same out of the dutys arising by this, or any other law of this Province, which are applied to the building and repairing of fortifications.

Expences may be drawn for on the public treasurer.

X. And whereas, it is necessary that the works herein directed to be built for the immediate defence of Charlestown against being surprised by an enemy, should be begun and completed as soon as possible; and whereas, the expence of building the same and making satisfaction to persons whose lands may be dammified thereby, according to the nearest computation will amount to at least twenty thousand pounds currency; wherefore, for the better encouragement of any person to undertake the same, and for the more ready satisfying any person who hath any demands on the public on account of the said works, *Be it enacted* by the authority aforesaid, That the said commissioners, or any five of them, be, and they are hereby directed and impowered to stamp, sign, and issue to any person who has any demands on the public on account of the works that are herein directed to be carried into execution, orders, not exceeding the sum of twenty thousand pounds currency, with such devices as the said commissioners shall think fit, of the denomination of ten pounds, which said orders shall be in the words following, viz:

Commissioners may issue orders for work done.

South Carolina,

No.—

"This order intitles the bearer to a credit equal to Ten Pounds in the currency money of this Province, and shall be received by the public treasurer in payment of all dutys that are appropriated to the building and repairing of fortifications. Dated the — day of — 17—.

Form of the orders.

A.D. 1745.

Which order being signed by the said commissioners, or any five of them, the said treasurer is hereby directed and required to receive in payment of all dutys that are appropriated by law to the building and repairing of fortifications; and the said orders which shall come into the treasurer's hands in the manner aforesaid, shall not be by him re-issued on any account whatsoever, but shall from time to time be burnt in the presence of a committee of his Majesty's council, and of the Assembly of this Province.

Nomination of commissioners.

XI. And whereas, great inconveniencys happen from the infrequent meetings of the commissioners for fortifications, which is occasioned by some of them living and residing in the country at some distance from Charlestown; to remedy which evil for the future, *Be it enacted* by the authority aforesaid, That the honorable Col. Charles Pinckney, David Hext, Esq., Capt. Isaac Holmes, Mr. Henry Peronneau, and Mr. George Hunter, be, and are hereby appointed commissioners, together with the commissioners already appointed, as well to carry into execution the several matters and things hereinbefore directed and required to be done as all other matters and things relating to the fortifications in and about Charlestown aforesaid.

To have full power and authority as the former commissioners have.

XII. *And it is hereby enacted*, That they, the said Charles Pinckney, David Hext, Isaac Holmes, Henry Perronneau and George Hunter, and every one of them, shall have full power and equal authority with the other commissioners or any one of them, as fully and effectually as if they had been nominated and appointed in the Act of the General Assembly of this Province nominating and appointing the said commissioners; any thing in the said Act or in any other Act of the General Assembly of this Province to the contrary contained, notwithstanding.

Limitation five years.

XIII. *And be it further enacted* by the authority aforesaid, That this Act shall continue and remain in force for the term of five years, and from thence to the end of the next session of the General Assembly, and no longer.

WM. BULL, Jun., *Speaker*.*In the Council Chamber, the 25th day of May, 1745.**Assented to:* JAMES GLEN.

No. 730. AN ACT FOR ENLARGING THE QUALIFICATIONS OF THE ELECTORS, AS WELL AS OF THE PERSONS TO BE ELECTED TO SERVE AS MEMBERS OF THE GENERAL ASSEMBLY OF THIS PROVINCE.

Preamble.

WHEREAS, it may be of evil consequence to give a right to any person or persons to vote for Representatives of the people of this Province in Assembly, who are late residents, and are not possessed of a sufficient freehold and personal estate, and it may be of equal detriment to admit any person or persons to serve as Members of Assembly who are not amply qualified; therefore, for the augmenting and enlarging the qualifications, as well of all and every person and persons hereafter electing, as of all and every person hereafter to be elected to serve as a member of the General Assembly of this Province, we humbly pray your most sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Excellency James Glen, Esq., Governor-in-chief and Captain General in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honorable Council and the Assembly of this Province, and by the authority of the same, That every free white man, and no other person, professing the Christian religion, who has attained to the age of twenty-one years, and hath been a resident and inhabitant in this Province for the space of one year before the date of the writs issued for that election which he offers to give in his vote at, and hath a freehold estate in a settled plantation, or not less than three hundred acres of land unsettled, for which he paid tax the precedent year, or hath a freehold in houses, lands, or town lots, or parts thereof, of the value of sixty pounds proclamation money, in Charles-town, or any other town in this Province, for which he paid tax the precedent year, shall be deemed a person qualified to vote for and is hereby declared capable of joining in the election for a representative or representatives to serve as a member or members of the Assembly for that parish or precinct wherein he is actually a resident, or in any other parish or precinct where he hath the like qualification.

A. D. 1745

Qualification of electors.

II. *And be it further enacted* by the authority aforesaid, That every person who shall be duly elected and returned to serve as a member of the said Assembly, shall be qualified as follows, viz: he shall be a free-born subject of the kingdom of Great Britain, or the dominions thereunto belonging, or a foreign person naturalized by Act of Parliament of Great Britain or Ireland, that hath attained to the age of twenty-one years, and that hath been a resident in this Province for one year before the date of the said writs, and having in this Province a settled plantation or freehold estate of at least five hundred acres of land and twenty slaves, over and above what he owes, or has in his own proper person, or in his own right, to the value of one thousand pounds proclamation money, in houses, buildings, town lots or other lands in any part of this Province, over and above what he owes.

Qualification of persons elected.

III. *And be it further enacted* by the authority aforesaid, That any of his Majesty's justices of peace returned to serve as a member of the said House of Assembly, or any other of his Majesty's justices of the peace, shall read over to the rest of the members returned to serve in the said House, before they or either of them be admitted to sit as such, the last mentioned qualifying clause in this Act; and then each member, before he be admitted to sit as member in the said House, shall take the following oath on the holy evangelists, and any of such justice or justices of the peace are hereby impowered and required to administer the same: "I, A B, do sincerely swear that I am duly qualified to be chosen and serve as a member of the General Assembly for the parish of ———, according to the true intent and meaning of this Act. So help me God."

Oath to be taken by members elected.

IV. *And be it further enacted* by the authority aforesaid, That no person whoever, holding, possessing or enjoying any office or place of profit in this Province, whereby he shall receive a yearly salary from the public to be raised by the General Assembly, shall hereafter be capable of serving as a member of the Assembly during the time such person shall be possessed of such office or place; any law, usage or custom to the contrary notwithstanding.

No officer of the public holding a place of profit shall sit as member of Assembly.

V. *And be it further enacted* by the authority aforesaid, That every Assembly hereafter called by virtue of any writs of election, shall determine and be dissolved in one year next after the date of the respective writs by which they were called, except sooner dissolved by the Governor

Sessions of the Legislature to be yearly.

A. D. 1745.

or Commander-in-chief; any thing in the said Act contained to the contrary in any wise notwithstanding.

Repeal of certain clauses of the Act of Sept. 21, 1721.

VI. *And be it further enacted* by the authority aforesaid, That the third, eighth and twenty-first clauses or paragraphs of an Act entitled an Act to ascertain the manner and form of electing members to represent the inhabitants of this Province in the Commons House of Assembly, and to appoint who shall be deemed and adjudged capable of chusing or being chosen members of the said House, passed the twenty-first of September, in the year of our Lord one thousand seven hundred and twenty-one, and every matter and thing in the said paragraphs contained which doth in any ways relate to the qualifications of the persons electing and those elected to serve as members of the Assembly of this Province, be and are hereby declared repealed to all intents and purposes, and entirely null, void, and of no force, as if no such paragraphs or clauses or such matter or thing had ever been made or inserted.

WM. BULL, Jun., *Speaker.*

In the Council Chamber, the 25th day of May, 1745.

Assented to: JAMES GLEN.

No. 731. *AN ACT* TO DIVIDE ST. HELEN'S PARISH, AND TO ERECT A SEPARATE AND DISTINCT PARISH IN GRANVILLE COUNTY, BY THE NAME OF PRINCE WILLIAM, AND TO ASCERTAIN THE BOUND THEREOF.

Preamble.

WHEREAS, the inhabitants of St. Helen's parish, residing on the main land, between Combeehee and Coosahatchie rivers, by their petition to the General Assembly have represented that the parish church of St. Helen, being on Port Royal Island, is at too great a distance, besides the delays and difficulties of crossing a ferry a mile wide, for them to attend divine service there, as well as many other meetings, for the election of members of Assembly, of the commissioners of the high roads, and on other occasions, which are by law to be held at the parish church; to remedy which inconveniencys, they prayed that a separate parish should be erected, as hath been done heretofore in cases of the like nature: we therefore humbly pray his most sacred Majesty that it may be enacted,

Division of the parish of Saint Helena into two parts.

I. *And be it enacted*, by his Excellency James Glen, Esq., Governor-in-chief and Captain General in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honorable Council and the Assembly of this Province, and by the authority of the same, That from and after the passing of this Act, the parish of St. Helen, in Granville county, shall be divided into two parishes, and that the lands which are situated to the north and westward of Coosaw river, as far up Coosaw river until it meets that branch of Port Royal river which runs by Colonel Barnwell's plantation and Cochran's Point, down to the mouth of that branch, and from thence up Port Royal river to the head of that branch of it which is called Coosawhatchee, and a northwest line ran from thence and to the south and westward of Combeehee river, shall be set apart, held, deemed and taken, and are hereby declared to be set apart, held, deemed and taken to be a separate and distinct parish, by the name of Prince William; and the said parish shall have and enjoy all the rights,

privileges and immunities as any parish in this Province doth or can have, hold or enjoy, by any law, custom or usage whatsoever. A. D 1745.

II. *And be it further enacted* by the authority aforesaid, That the church and parsonage house shall be built in such place within the bounds of the said parish of Prince William, as the major part of the commissioners hereinafter named shall order and direct, by and with the advice and consent of the major part of the inhabitants of the said parish who are of the profession of the Church of England, that shall contribute to the building thereof, at a meeting for that purpose to be appointed by the commissioners hereafter named.

Church and parsonage to be built where the commissioners shall appoint.

III. *And be it further enacted* by the authority aforesaid, That the rector or minister of the said parish of Prince William, shall be elected and chosen as the rectors or ministers of the other parishes in this Province are chosen and elected, according to the directions of an Act of the General Assembly of this Province entitled an Act for the establishment of religious worship in this Province, according to the Church of England, and for the erecting of churches for the public worship of God, and also for the maintenance of ministers and the building convenient houses for them, passed the thirtieth day of November, in the year of our Lord one thousand seven hundred and six; and there shall be yearly paid unto such minister or rector, or his lawful successors, for ever, the sum of £100 proclamation money, in the same manner as the ministers or rectors of the other parishes in this Province are paid; and the public treasurer for the time being is hereby authorised and required to pay the same, under the same limitations as are appointed by any laws of this Province for the payment of the salaries of the clergy; provided, that no salary shall be paid to any minister until the said parish church shall be built.

Minister to be chosen as directed by the Act of Nov. 30, 1706.

IV. *And be it further enacted* by the authority aforesaid, That the Honorable William Bull, Esq., Stephen Bull and Robert Thorpe, Esqs., Mr. James Deveaux and Mr. John Greene, be and are hereby appointed commissioners for building the church and parsonage house herein mentioned; and they, or any three of them, are hereby impowered to receive subscriptions of money and materials for building the said church and parsonage, and for purchasing proper lands to build the same upon.

Commissioners nominated.

V. And whereas, by an Act of the General Assembly for building a chapel at the Huspaw Neck, commissioners were appointed for receiving subscriptions towards building the same, *Be it therefore further enacted* by the authority aforesaid, That the commissioners by this Act appointed, or a majority of them, are hereby authorized, impowered and required to demand and receive from the said chapel commissioners all moneys and subscriptions for money or materials that have or ought to have come into their or either of their hands, and to apply the same towards building the parish church of Prince William, and to no other use whatsoever.

Present commissioners may demand money already collected.

VI. *And be it further enacted* by the authority aforesaid, That the parish of St. Helen shall be represented by three members, and no more, and that the said parish of Prince William shall be represented by two members, to be elected according to the directions of the Act of the General Assembly entitled an Act to ascertain the manner and form of electing members to represent the inhabitants of this Province in the Commons House of Assembly; any law, usage or custom to the contrary notwithstanding.

Number of representatives allowed.

VII. *And be it further enacted* by the authority aforesaid, That in case any one of the commissioners by this Act appointed should happen to die, go off the Province, or refuse to act, that the churchwardens and vestry of

Commissioners dying or removing.

A. D. 1745.

the said parish, or a majority of them, are hereby impowered and required to chuse another fit person to fill up such vacancy, and the person so chosen shall be a commissioner in the room of any such commissioner who shall so happen to die, go off the Province, or refuse to act.

WM. BULL, Jun., *Speaker*,

In the Council Chamber, the 25th day of May, 1745.

Assented to: JAMES GLEN.

- No. 732. AN ACT for vesting the Ferry over South Edisto River, known by the name of Parker's Ferry, in Jane Grainge and her assigns, for the uses and during the time therein mentioned; and to impower the commissioners appointed by an Act of the General Assembly to lay out a road from the corner of Captain Johnson's plantation fence to Stead's creek, instead thereof to make and keep in repair a road from Stead's creek to the plantation of Jeremiah Knott.

(Passed May 25, 1745. *See last volume.*)

- No. 733. AN ACT FOR CONTINUING THE TRUST OF A LOT AND BUILDINGS IN CHARLESTOWN FOR THE USE OF THE ANTIPEDO BAPTIST CONGREGATION MEETING THERE FOR DIVINE SERVICE.

Preamble.

WHEREAS, William Elliott, late of this Province, Planter, deceased, by indenture, duely executed in his life-time, did give, grant and confirm unto certain trustees, in the said indenture mentioned, a town lot in Charlestown, (No. 62,) with the appurtenances, to have and to hold the same unto the said trustees, their heirs and assigns, to the only proper use and behoof of the people of the church of Christ, baptized on profession of faith, meeting in Charlestown, and distinguished from all other churches by the name of Antipædo Baptist, forever; and whereas, in and by the said indenture it was declared and agreed, by and between all the partys thereto, that in case three of the said trustees should happen to dye, then the surviving trustees should convey the said town lot and premises to three other trustees, their heirs and assigns, for the use and benefit of the said congregation, and so from time to time the two surviving trustees should continually join with themselves three other trustees, to the intent that the said town lot and premises might have continuance to and for the aforesaid use forever; and whereas, it hath been humbly represented to the General Assembly of this Province, by a great number of the members of the said Antipædo Baptist congregation, that all the original trustees, in the said indenture mentioned, are dead, without having first conveyed the said lot and premises to other trustees for the use of the said congregation, agreeable to the true intent and meaning of the said William Elliott, the donor thereof, whereby the further continuance of the said trust, according to the intention of the said donor, hath become impracticable without the aid of the Legislature in that respect; to the end, therefore, that so good and pious a design may not be frustrated, and that the said town lot together with the buildings thereon and their appurtenances, may be continued in trust forever, to and for the use of the

said Antipædo Baptist congregation meeting for divine worship at Charlestown, we humbly pray his most sacred Majesty that it may be enacted, A. D. 1745.

I. *And be it enacted*, by his Excellency James Glen, Esq., Governor in chief and Captain General in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honorable Council and the Assembly of the said Province, and by the authority of the same, That William Screven of James Island, John Raven (a minor, and till he comes of age, Branfill Evance, his guardian, to act for him,) Elisha Butler and William Butler, Francis Gracia, John Ladson of John's Island, and Paul Grimball, be, and they are hereby appointed, trustees of the said town lot, number sixty-two, together with the buildings thereon, and their and every of their appurtenances, in the room of the five trustees deceased, nominated in the original deed for the same, executed by the said William Elliott in his life time; which said trustees, hereby appointed, and their successors, are declared to have vested in them the same and equal property, power and authority in and over the said lot and premises, with the appurtenances, and for the same uses as were mentioned or intended to be vested in the said original trustees and their successors by the aforesaid deed, executed by the said William Elliott.

Trustees nominated, and Lot No. 62 vested in them.

II. And for the better continuance of the said trust, for the use of the said Antipædo Baptist congregation meeting in Charlestown, *Be it further enacted* by the authority aforesaid, That on the death or departure from this Province of any three of the trustees hereby appointed, or their successors, it may and shall be lawful, from time to time, in that case, for the four surviving or remaining trustees for the time being, and they are hereby authorized, by an instrument in writing under their hands and seals, duly proved and recorded in the Secretary's office of this Province, to appoint three other trustees in the room of such trustees so dying or departing; which three other trustees so appointed shall be from thenceforth and at all times thereafter deemed and taken as lawful trustees of the premises, in as full and ample manner as if they had been originally appointed by this Act.

Trustees dying or removing.

III. And forasmuch as it appears by the above recited indenture that the said town lot, numbered sixty-two, and appurtenances, was given to the use of the Antipædo Baptists in general, and for the preventing any disputes that may hereafter arise, *It is hereby further enacted and declared* by the authority aforesaid, That all the Antipædo Baptists, as well those distinguished by the name of General Baptists as those distinguished by the name of Particular Baptists, are entitled to and shall have an equal right in the said lot numbered sixty-two, and the appurtenances; and each of the said sects shall and lawfully may make use of the same for divine service; any law, usage or custom to the contrary in any wise notwithstanding.

General and particular Baptists both entitled to said lot.

WM. BULL, Jun., *Speaker.*

In the Council Chamber, the 25th day of May, 1745.

Assented to: JAMES GLEN.

A. D. 1745.

No. 734. *AN Additional and Explanatory ACT TO AN ACT OF THE GENERAL ASSEMBLY OF THIS PROVINCE ENTITLED "An Act for the more effectual relief of Insolvent Debtors, and for that purpose putting in force and effectually carrying into execution in this Province such part of an Act made in the Parliament of Great Britain, in the second year of his present Majesty's reign, entitled An Act for the Relief of Debtors with respect to the imprisonment of their persons, as is thereafter mentioned."*

Preamble.

WHEREAS, several inconveniencies have been found to attend the execution of an Act entitled an Act for the more effectual relief of insolvent Debtors, and for that purpose putting in force and effectually carrying into execution in this Province such part of an Act made in the Parliament of Great Britain, in the second year of his present Majesty's reign, entitled an Act for the relief of Debtors, with respect to the imprisonment of their persons, as is thereafter mentioned—as several idle and profligate persons who, by labor, care and industry might have sufficiently provided for themselves and families, and been able to have satisfied their just debts, have neglected their lawful callings and employments, and have followed evil and wicked courses, in hopes of taking the benefit of the said Act, and for that purpose, by collusion with others, have procured themselves to be arrested, and when thereby they have obtained the benefit of the said Act, notwithstanding the assignments which they have made of their effects in trust to their creditors, have still possessed themselves of those effects, and have concealed and embezzled them; by all which collusive, dishonest and sinister practices, all the creditors of such debtors have been defrauded and forever excluded, the good intention of the said Act greatly obstructed, and many other manifest inconveniencies have been found: For remedy whereof we humbly pray his most sacred Majesty that it may be enacted,

Insolvent debtors may petition with an account of their real and personal estate.

Creditors to be summoned.

I. *And be it enacted*, by his Excellency, James Glen, Esq., Governor in chief and Captain General in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council, and the Assembly of the said Province, and by the authority of the same, That if any person or persons whoever shall be sued, impleaded or arrested for any debt, duty, cause, matter or thing whatsoever, (except for such matters, causes and things hereinafter excepted) and shall be minded to make surrender of all his, her or their effects, towards satisfaction of the debts wherewith he, she or they may be charged, it shall and may be lawful for every such person or persons to exhibit a petition, with an account of all his, her or their real and personal estate, within the time limited by the said Act and according to the direction thereof, and upon such petition the court from whence the process against such debtor or debtors issued, shall and may, and they are hereby respectively required to make such rules and orders for the summoning of all the creditors of such petitioner or petitioners, and shall, upon affidavit made of their or either of their neglect or refusal to appear before them, proceed in the same summary way to examine the matter in the said petition contained, and to hear what may be said for or against the discharge of the petitioner, in like manner and form as is prescribed and appointed by the said Act; and the said court shall, upon such hearing and examina-

tion, instead of the oath in the said Act contained, administer and tender to such petitioner an oath to the following effect: A. D. 1745.

"You, A. B., do solemnly swear, in the presence of almighty God, that the account by you delivered in to this honourable court, with your petition to this court, doth contain a full account of all your real and personal estate, debts, credits and effects whatsoever, without exception, which you have, or any person or persons in trust for you hath or have, or at the time of your said petition had, or which you are or were in any wise intitled to, in possession, remainder or reversion, and that you have not at any time since your being sued or arrested, or before, directly or indirectly sold, leased, assigned or otherways disposed of or made over in trust for yourself or otherways, any part of your lands, estate, goods, stock, money, debts or other real or personal estate, whereby to have or expect any benefit or profit to yourself, with intention to defraud any of your creditors, so help you God."

And in case such petitioner shall take the said oath, and thereupon, and upon examination aforesaid, the said court shall be satisfied with the truth thereof, the said court shall be and they are hereby impowered first to give and deliver up to the said petitioner, so much of the necessary bedding and wearing apparel of him and his family, his working tools and arms for muster, as they shall judge most suitable to his former station and condition in life, and immediately thereafter they shall order the lands and the remainder of the effects and goods contained in the said account, or so much of them as may be sufficient to satisfy his or her several debts, by a short endorsement on the back of his or her petition, to be assigned to the creditor or creditors at whose suit such petitioner stands charged, or to such other person or persons as the said court shall direct; and the lands, goods and chattels so assigned, shall be first charged with the costs of the several suit or suits which have been commenced against such petitioner, and all other costs and fees which shall arise or become due upon prosecuting and obtaining his discharge; and such assignment so to be made as aforesaid, shall be in trust for the suitor or suitors, and such other of the creditors of the said petitioner as shall be willing to receive a dividend of his real estate, goods and effects, and shall within twelve months after the time of exhibiting the petition, make their demands; and by such assignment, the estate, interest and property of the lands, goods and effects so assigned, shall be vested in the persons to whom such assignment is made, who may take possession of or sue for the same, in his or their own name or names, in like manner as assignees in commissions of bankrupts can or lawfully may do by the laws or statutes of Great Britain, to which suit no release of such petitioner, his or her executors or administrators, or any trustees for him or her, subsequent to such assignment, shall be any bar; and the said petitioner, upon executing such assignment, and when he shall have delivered up into the hands of the said assignee or assignees, all and singular the title deeds to his lands, together with the remainder of the goods and effects contained in the said account, and the vouchers relating to or concerning the same, shall be forthwith discharged by order of court aforesaid, from such suit or suits; and shall also thenceforth be acquitted and discharged of, from and against all such other of his or her creditors as shall have received their dividend as aforesaid, for all debts, contracts and demands whatsoever: Provided always, that nothing herein contained shall extend to discharge such debtor or debtors from or against the debts, claims or demands of such of the petitioner's creditors as shall not have received their dividend of the said petitioner's estate, goods and effects; any thing in this Act or any other Act contained, to the contrary in any wise notwithstanding.

Petitioner's oath.

Necessaries to be given up to the petitioner.

Petitioner's property to be assigned.

Assignees may sue to recover the property of petitioner.

Petitioner so assigning to be discharged.

Except as to creditors who shall not have received their dividend.

A. D. 1745.

Assignees are trustees for the creditors who come in.

Order of payment.

Dividend every six months.

Mortgagees to account on oath.

Mortgaged estate subject to the order of the court.

Persons unable to attend, to transmit attested accounts.

II. *And be it further enacted* by the authority aforesaid, That the person or persons to whom the said assignments or endorsements shall be made, shall be and are hereby declared to be trustees for all and singular the creditors of the said petitioner, who are willing to come in and receive their dividends, and who shall within twelve months next after his discharge, deliver to the said trustees, or any of them, exact accounts upon oath, of the several debts and demands to them owing; and the said trustee or trustees, after having sold the said petitioner's lands and effects and collected in the several debts due to him, which they are hereby required to do with the utmost expedition, shall thereout first satisfy and discharge the said costs of suit and other costs and fees aforesaid, and shall next deduct and retain in his or their own hands, a reasonable recompence for his or their trouble in executing the said trust, to be fixed and allowed by the court, by whom such person and persons was appointed trustee or trustees; and such trustee or trustees shall, within one month thereafter, divide the remaining balance of the said estate amongst such of the said creditors who shall deliver in the amount of their demands within the time aforesaid, according and in proportion to their several and respective debts, first giving three months public notice of the time and place when and where such division is to be made; and in case it shall happen that the whole of the petitioner's estate shall not have come to the hands of the said trustee or trustees by the time prescribed for making such division, then such trustee or trustees shall be obliged, and they are hereby required, at the end of every six months thereafter, to make a dividend of so much of the same as shall come to his or their hands, amongst such creditors as aforesaid, until the whole shall be received.

III. *And be it further enacted* by the authority aforesaid, That all and every person and persons to whom any of the estate, real or personal, of the said petitioner, is or shall be assigned, mortgaged or otherwise conveyed in trust, or the attorneys, agents, executors or administrators of such person or persons, shall at the time and place appointed by the said court for the appearance of the creditors of the said petitioner, then and there deliver in to the said court a fair account or accounts upon oath, then to be administered by the said court, of all the moneys that are really and bona fide due and owing unto them or either of them, in right of themselves or their testators, intestates or constituents, from such petitioner, upon such mortgage, assignment or other conveyance; and if the estate so conveyed shall to the said court appear to be more than sufficient to satisfy the said sum or sums of money so due upon the said account or accounts, they shall order, and they are hereby respectively authorized to give order to the said trustees or either of them, to sell and dispose of such estate at public outcry, to the best advantage, in not less than one month thereafter, and not exceeding twelve months; and the moneys arising from such sale the said trustees shall apply first towards discharge of the said sum or sums so due unto such assignee, mortgagee or other person or persons to whom such conveyance is made as aforesaid, and the residue thereof shall pay and apply in like manner as other parts of the said petitioner's estate are hereinbefore directed to be applied.

IV. *Provided nevertheless, and be it further enacted* by the authority aforesaid, That if any person or persons to whom such conveyance is or shall be made, his, her or their attorney, agent, executors or administrators, or any of them, shall by reason of sickness or other lawful impediment, be unable to appear at the time and place herein before appointed, and if affidavit shall be made and taken of such his, her or their inability to appear and attend as aforesaid, and if with such affidavit he, she or they

shall transmit to the clerk of the said court, at or before the said time appointed, such fair and attested account or accounts of the moneys due upon such conveyance or conveyances, as is hereinbefore directed, such affidavit and return shall be and is hereby declared to be as sufficient and effectual to all intents and purposes whatsoever, as if they or any of them had appeared with such account or accounts before the said court, in his, her or their proper person or persons: Provided nevertheless, that such affidavit shall be taken before and certified by two of his Majesty's justices appointed to keep the peace within this Province.

V. *And be it further enacted* by the authority aforesaid, That if the said several person or persons to whom such mortgage, assignment or other conveyance is or shall be made as aforesaid, or his, her or their attorney, agent, executor or administrator, shall not appear before the said court at the time hereinbefore appointed, nor in case of their or either of their sickness or other lawful impediment, shall transmit such affidavit and attested account as is hereby directed, then every such person or persons, his, her or their attorneys, agents, executors or administrators, shall be deemed to have taken and accepted from the said petitioner a false and feigned trust, with intention to defraud the creditors of the said petitioner and to conceal his estate and effects from them; and every such mortgage, assignment or other conveyance, shall be and is hereby declared to be null and void to all intents and purposes; and the lands, tenements, goods and chattels thereby conveyed, shall be vested in the said trustees in like manner and for the like purposes as all the other estate and effects of the said petitioner are hereby or by the aforesaid Act directed to be vested.

VI. *Provided always, and be it further enacted* by the authority aforesaid, That no person or persons shall be intitled to the benefit of this Act who shall be sued, impleaded or arrested for damages recovered in any action for wilful mahem, or wilful and malicious trespass, or for damages recovered in any action for voluntary or permissive waste, or for damages due to the freehold.

VII. And whereas, by the afore recited Act, the chief justice and assistant justices were impowered to proceed as well in court as in the vacation time, *Be it further enacted* by the authority aforesaid, That the said chief justice and assistant justices, shall and may proceed in all cases directed by this Act or the aforesaid Act, for the relief of insolvent debtors, at the several courts of common pleas, and the adjournments and return days of the said courts, or any of them, or at the courts of general sessions of the peace, oyer and terminer, assize and general goal delivery, or at the adjournments of the said last mentioned courts; any thing in the aforesaid Act, or any other Act, law, usage or custom, to the contrary thereof in any wise notwithstanding.

WM. BULL, Jun., *Speaker.*

In the Council Chamber, the 25th day of May, 1745.

Assented to: JAMES GLEN.

A. D. 1745.

No. 735. *AN ACT* TO DIRECT EXECUTORS AND ADMINISTRATORS IN THE MANNER OF RETURNING INVENTORIES AND ACCOUNTS OF THEIR TESTATOR AND INTESTATES ESTATES, AND TO RESTRAIN THE USUAL CHARGES AND COMMISSIONS OF SUCH EXECUTORS AND ADMINISTRATORS, AND ALL OTHER PERSONS WHO SHALL BE ENTRUSTED WITH THE ADMINISTRATION AND MANAGEMENT OF MINORS'S ESTATES.

Preamble.

WHEREAS, several executors and administrators, and other persons within this Province, who have been entrusted with the execution of wills, and the management of the fortunes and estates of infants and minors, through mistaken notions of their duty, have not made and returned into the secretary's office of this Province, full and perfect inventories and appraisements of all the chattels and effects which have come into their hands to be administered, whereby such infants and minors, and all other persons concerned, have been greatly injured and defrauded; and whereas, high and exorbitant charges have been usually made by such executors, administrators, and trustees, for their trouble in the management and administration of such their testator and intestate's estates, by which means such estates have been greatly lessened and diminished, to the manifest hurt and prejudice of the kindred, legatees and creditors of such testator or intestate; for remedy whereof, and to prevent the like evils and abuses for the future,

An executor or administrator who qualifies, shall, on oath, produce to the appraisers all the goods and chattels of his testator or intestate.

I. *Be it enacted*, That from and after the passing of this Act, all and every executor and administrator, who shall, before the ordinary of this Province for the time being, or such person as he shall depute or appoint, qualify him or herself for the administration of the estate and effects of his or her testator or intestate, shall, upon oath, be bound to produce and shew to the appraisers that shall be appointed by the ordinary for that purpose, or any 3 or more of them, all and singular the goods and chattels of the said testator or intestate, as have or shall come into their or either of their hands, possession, or knowledge, and within *60 days after such his or her qualification, shall cause to be made a true and just appraisement upon oath, of all and singular the goods and chattels aforesaid, and exhibit, or cause to be exhibited, the said appraisement, certified under the hands of any 3 or more of the appraisers aforesaid, into the secretary's office in Charlestown, within 90* days after such his or her qualification, together with a full and perfect inventory of all and singular the rights and credits of the said testator or intestate, whether the same be in ready money, judgments, bonds, or other specialties, or notes of hand, together with a list or schedule of the books of accompt of such testator or intestate person, and the number of pages in such books, to which books all parties concerned, shall, at all convenient times have free access; and every such executor and administrator shall be, and they are hereby made chargeable with the real value of the goods and chattels in the said inventory contained, and with so much of the said credits only, as he, she, or they, after due and proper diligence, shall recover and receive, in like manner as executors and administrators are made chargeable by the common or statute law of England.

II. Altered by A. A. 13th March, 1789.

* See A. A. 13th March, 1789, amending this.

III. And whereas, a custom hath too much prevailed among executors and administrators, of taking estates or some parts thereof at the appraisement, when such appraisement hath been under the true value, for prevention whereof for the future, *Be it enacted*, That no executor or administrator shall hereafter be permitted to take any estate or any part thereof at the appraisement, and that no appraisement to be made as aforesaid shall be binding or conclusive, either upon the creditors, legatees, next a-kin, or other person interested in such estates, or upon the executors or administrators, but all and every such executors and administrators shall be accountable and chargeable for the true value of such estates, any practice to the contrary notwithstanding.

A. D. 1745.

No executor or administrator shall take any part of the estate at the appraisement.

IV. Altered by A. A. 13th March, 1789.

V. Re-enacted in A. A. 13th March, 1789.

* VI. All guardians and trustees, who shall have the care, management, or custody of the estates, real or personal, of any infants or minors in this Province, shall be obliged, once at least in every 3 years, and so from time to time, to render upon oath, true and perfect inventories and accounts of all monies, goods, chattels, and effects which they shall, from time to time receive, during the minority of such infant or infants, into the secretary's office of this Province.

Guardians and trustees to infants' estates shall render an account on oath, &c.

VII. And *be it further enacted* by the authority aforesaid, That no appraisers, that shall hereafter be appointed to appraise any testator or intestate's goods and chattels, shall enter upon that office before they shall have taken the following oath, before a justice of the peace, who is hereby empowered to administer the same.

No person shall act as an appraiser until sworn.

You, A B, C D, E F, &c., do swear, that you will make a just and true appraisement of all and singular the goods and chattels, (ready money only excepted) of G. H. deceased, as shall be produced by I. K. the executor or administrator of the estate of the said G. H. deceased, and that you will return the same, certified under your hands, unto the said I. K. executor or administrator, within the time prescribed by law.

Appraiser's oath.

VIII. And whereas, it hath frequently happened in this Province, that persons who have applied for and obtained letters of administration, on suggestion that they have been principal creditors to the intestate, and *when they have received sufficient assets of the intestate to satisfy their own debts, have deserted the administration, or have neglected the recovery of the rest of the rights and credits of the intestate, which such administrators ought to have applied towards satisfaction of the rest of the creditors of the intestate; the more effectually to prevent the like for the future, *Be it further enacted* by the authority aforesaid, That no letters of administration shall be hereafter granted by the ordinary of this Province, to any person or persons whosoever as principal creditor or creditors to any intestate, but upon special trust and confidence, and for the benefit of all the rest of the creditors, and that all debts of an equal nature shall be discharged by such administrator in average and proportion, as far as the assets of the intestate shall extend, and that no preference shall be given among the creditors in equal degree, and that every such administrator shall be obliged to sue for such debts which he may reasonably expect to recover, or, at the request and proper charges of any of the creditors of the intestate, assign and empower them, or any of them, to sue for the debts outstanding to the estate of such intestate; any law, usage, or custom to the contrary notwithstanding.

Administration being granted to any person as principal creditor, it shall be in trust for all the creditors.

IX. Altered by A. A. 13th March, 1789.

* See A. A. 17th February, 1789.

A. D. 1745.

Executor or administrator neglecting his duty shall be liable for all the debts.

*X. *And be it further enacted* by the authority aforesaid, That every executor or administrator, who shall not within the time aforesaid, or within such further or other reasonable time as the ordinary shall think fit to give, make, and return into the secretary's office aforesaid, such inventory and appraisement as is hereinbefore directed to be made and returned, and who shall make default in mentioning and inserting therein all or any of the credits or effects of his, her, or their testator or intestate as aforesaid, which came into their hands to be administered, every such executor or administrator shall be, and they and each of them are hereby made chargeable with and subject to the payment of all and singular their said testator or intestate's debts, legacies, or bequests, in the same manner as executors of their own wrong are subjected and made chargeable by the common or statute law of England aforesaid.

XI. Re-enacted by A. A. 13th March, 1789.

Executors not being satisfied may bring their action for additional commissions.

XII. But as it may be very difficult to ascertain the proper and adequate allowance to be made in all cases, and as the sums hereinbefore allowed may not be a sufficient compensation for the care, trouble, and pains, which executors, administrators, guardians, or trustees may take in the management of their respective trusts in some particular cases, *Be it therefore enacted*, That if any executors, administrators, guardians, or trustees, who shall have had extraordinary trouble in the management of the estates under their care, and shall not be satisfied with the sums hereinbefore mentioned, such executors, administrators, guardians, or trustees shall and may be at liberty to bring an action in the court of common pleas for their services; and the verdict of the jury and judgment of the court thereupon, shall be final and conclusive in such cases; provided always, that no verdict shall be given for more than 5 per centum over and above the sums allowed by this Act.

How the commissions shall be divided.

†XIII. *And be it further enacted*, That the commissions given by this Act shall be divided amongst executors, administrators, guardians, and trustees, according to the proportion of the services by them respectively performed, to be rated and settled by the chief justice and two of the justices of the court of common pleas, in case the executors, administrators, guardians, and trustees cannot agree amongst themselves concerning the same.‡

WILLIAM BULL, Jun., *Speaker.*

In the Council Chamber, the 25th day of May, 1745.

Assented to: JAMES GLEN.

* See A. A. 13th February, 1789.

† See 30th §. of A. A. 13th March, 1789.

‡ See A. A. 1778, 1787, and 1789.

The original not to be found. The above is copied from Grimke, p. 201.

No. 736. *AN ACT* FOR ERECTING THE TOWNSHIP OF PURRYSEURGH AND PARTS ADJACENT, INTO A SEPARATE AND DISTINCT PARISH.

Preamble.

WHEREAS, the inhabitants of the township of Purrysburgh and the adjacent parts of St. Helen's Parish in Granville county, by their petition to the General Assembly, have represented several inconveniences arising from the great distance of St. Helen's church, which they pray

may be remedied in such manner as hath been done heretofore in cases of the like nature; we therefore humbly pray his most sacred Majesty that it may be enacted, A. D. 1746.

I. *And be it enacted*, by his Excellency James Glen, Esquire, Governor in chief and Captain General in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of this Province, and by the authority of the same, That from and after the passing of this Act, the township of Purrysburgh and all that part of St. Helen's parish which lies to the westward of a division line to be run due north from the bridge near the head of the main branch of Day's creek until it meets King creek, shall be set apart, held, deemed, and taken, and the said township, together with the said other lands so as aforesaid situate, are hereby declared to be set apart, held, deemed, and taken to be a separate and distinct parish, by the name of the parish of St. Peter, and shall have and enjoy all the rights, privileges, and immunities which any parish in this Province doth, or ought to have, hold, or enjoy by any law, custom, or usage whatever, except as in the proviso hereafter is provided. St. Peter's parish instituted.

II. *And be it further enacted* by the authority aforesaid, That the church or chapel, and the dwelling house at Purrysburgh, wherein the Rev. Mr. Chiffelle hath preached and dwelt for some years past, shall be deemed and taken, and they are hereby declared to be the parish church and parsonage house of the said parish of St. Peter, to all intents and purposes whatsoever; and that the rector or minister of the said parish of St. Peter shall be elected and chosen as the rectors or ministers of the other parishes in this Province are chosen and elected, according to the directions of an Act of the General Assembly of this Province, intituled an Act for the establishment of religious worship in this Province, according to the church of England, and for the erecting of churches for the public worship of God, and also for the maintenance of ministers, and the building convenient houses for them, passed the thirtieth day of November, in the year of our Lord one thousand seven hundred and six; and there shall be yearly paid unto such minister or rector, and his lawful successors forever, the sum of one hundred pounds proclamation money, in the same manner as the ministers or rectors of the other parishes in this Province are paid; and the public receiver for the time being is hereby authorised and required to pay the same, under the same limitations as are appointed by any laws of this Province for the payment of the salaries of the clergy. The church and chapel of Mr. Chiffelle to belong to St. Peters.

III. *Provided always, and be it further enacted* by the authority aforesaid, That the said parish of St. Peter shall be represented in the Commons House of Assembly only by one member, to be elected according to the directions of the Acts of the General Assembly in that case made and provided; any law, usage, or custom to the contrary notwithstanding. Act of Nov. 30, 1706, referred to.

HENRY MIDDLETON, *Speaker.*

In the Council Chamber, the 17th day of February, 1746.

Assented to: JAMES GLEN.

St. Peters to send one member.

A. D. 1746.

No. 737. *AN ACT* TO REVIVE AND CONTINUE THE SEVERAL ACTS THEREIN MENTIONED, AND TO REPEAL THAT PART OF AN ACT WHICH GIVES A BOUNTY UPON INDIGO, INTITLED AN ACT FOR THE FURTHER IMPROVEMENT AND ENCOURAGING THE PRODUCE OF SILK AND OTHER MANUFACTURES IN THIS PROVINCE, AND TO REPEAL AN ACT OF THE GENERAL ASSEMBLY INTITLED *An Act to encourage the making of Hemp, passed the twenty-third day of February one thousand seven hundred twenty and three, and for repealing such part of an Act of the General Assembly, intituled an Act for the better regulating the Port and Harbor of Charlestown, and the shipping frequenting the same, as is therein mentioned.*

WHEREAS, several wholesome and beneficial temporary laws of this Province are expired, or near expiring, we therefore humbly pray his most sacred Majesty that it may be enacted,

I. *And be it enacted*, by His Excellency James Glen, Esq, Governour in-chief and Captain General in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honourable Council and the Assembly of this Province, and by the authority of the same, That one Act of the General Assembly of this Province, intituled an Act concerning masters and apprentices, passed the twenty-eighth day of February in the year of our Lord one thousand seven hundred and forty; one other Act intituled an Act for the better security of this Province against the insurrections and other wicked attempts of negroes and other slaves, passed the seventh day of May in the year of our Lord one thousand seven hundred and forty-three; one other Act intituled an additional and explanatory Act to an Act intituled an Act to empower the several commissioners of the high roads, private paths, bridges, creeks, causeys, and cleansing of water passages in this Province of South Carolina, to alter and lay out the same for the more direct and better convenience of the inhabitants thereof, passed the third day of July in the year of our Lord one thousand seven hundred and forty-one; one other Act intituled an Act for the better strengthening of this Province, by granting to his Majesty certain taxes and impositions on the purchasers of negroes imported, and for appropriating the same to the uses therein mentioned, and for granting to his Majesty a duty and imposition on liquors and other goods and merchandizes, for the use of the public of this Province, passed the fifth day of April in the year of our Lord one thousand seven hundred and forty; and one other Act intituled an Act to enable George Pawley, Daniel Laroche, and William Whiteside, Esqrs., Commissioners appointed for building a parish church and parsonage house in Georgetown, to carry on and complete the same, and for repealing part of an Act intituled an Act to repeal an Act for appointing a chapel at Echaw in the parish of St. James Santee in Craven county, and for erecting two other chapels in the same parish, and to provide that the rector for the time being of the said parish do preach and perform divine service in the English tongue, passed the eighth day of March in the year of our Lord one thousand seven hundred and forty-one—be, and are hereby declared to be revived, continued, and enacted to be of full force and virtue, for and during and unto the full end and term of five years, from and after the passing of this Act, and from thence to the end of the then next session of the General Assembly, and no longer.

A. D. 1746.

II. And whereas, by an Act intituled an Act for the further improvement and encouraging the produce of silk and other manufactures in this Province, and to repeal an Act of the General Assembly intituled an Act to encourage the making of hemp, passed the twenty-third day of February one thousand seven hundred twenty and three, and for repealing such part of an Act of the General Assembly intituled an Act for the better regulating the port and harbor of Charlestown, and the shipping frequenting the same as is therein mentioned—a bounty hath been given in order to encourage persons to make indigo; and it having been found by experience the last year that the making of indigo in this Province is not only practicable, but so profitable that in all probability great quantities thereof will be made this year, which will occasion a very large tax to defray the expence of the said bounty, and would fall very heavy and unequal upon those persons who have no opportunity of making indigo; *Be it therefore enacted* by the authority aforesaid, That all and every clause, article, matter and thing contained in the last abovementioned Act, which relates only to the bounty or encouragement given for the making of Indigo, be, and is hereby declared to be, repealed and nulled and void to all intents and purposes whatever.

WM. BULL, Jun., *Speaker.**In the Council Chamber, the 16th day of April, 1746.**Assented to:* JAMES GLEN.

AN ACT FOR STAMPING, EMITTING, AND MAKING CURRENT THE SUM OF TWO HUNDRED AND TEN THOUSAND POUNDS IN PAPER BILLS OF CREDIT, AND FOR ASCERTAINING AND PRESERVING THE FUTURE VALUE THEREOF, TO BE LET OUT AT INTEREST ON GOOD SECURITIES, AT EIGHT PER CENTUM PER ANNUM, AND FOR APPLYING THE SAID INTEREST TO THE PURPOSES THEREIN-AFTER MENTIONED, AND FOR EXCHANGING THE PAPER BILLS OF CREDIT IN THIS PROVINCE, AND MAKING THEM LESS SUBJECT TO BE COUNTERFEITED.

No. 738.

FORASMUCH as it is absolutely necessary that in all countrys and places wherein is carried on any considerable trade and commerce, there should be a sufficient currency or medium of trade therein, for the better negotiating thereof; and whereas, through the great want of other currency, it has been found necessary for many years past to stamp and emit paper bills of credit in this Province for the better support of the government, as well as for a medium of trade therein, and for carrying on the commerce thereof, and which by long experience have been found to answer the ends aforesaid; and whereas, the trade of this Province hath for many years last past, greatly increased, insomuch that the sum in paper bills of credit, which some years ago was sufficient to answer all the exigencies and demands in trade, is now altogether insufficient for that purpose, by reason whereof, and the extreme scarcity of money, the trade of this Province becomes greatly obstructed, the affairs of the government very much hindered, and the payment of debts retarded, and in great measure rendered impracticable; for remedy whereof, and for the better support of the government, that a medium in commerce may be by

Preamble.

A. D. 1746.

law established in this Province, and made current by being put on a sure, equitable and lasting foundation, we humbly pray your most sacred Majesty that it may be enacted,

To be issued
£210,000 in pa-
per, equal to
£30,000 sterling
at 7 for 1: from
2s 6d. to £20.

Made current
money.

I. *And be it enacted*, by his Excellency James Glen, Esquire, Governour-in-chief and Captain-General, in and over this his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council and the Commons House of Assembly of this Province, and by the authority of the same, That from and immediately after the confirmation or approbation of this Act by his most sacred Majesty, there shall be imprinted, stamped, signed and issued by the commissioners in this Act nominated and appointed, the sum of two hundred and ten thousand pounds, in paper bills of credit in this Province, which is about equal to the sum of thirty thousand pounds sterling money of Great Britain, and which said bills shall bear the denominations from two shillings and six pence bills to twenty pound bills, inclusive, and not bear either a higher or lower denomination; and when the said sum of two hundred and ten thousand pounds in paper bills of credit shall be imprinted, stamped, signed and issued, according to the directions of this Act, the same shall be, and they are hereby declared and enacted to be, to all intents, constructions and purposes whatsoever, the lawful and current money of this Province of South Carolina, and as such shall be taken, paid and received in all payments whatsoever, in discharge of all and all manner of debts whatsoever, due or hereafter to be due, owing or payable in this Province; any law, statute, usage or custom to the contrary in any wise notwithstanding.

II. And the better to prevent the counterfeiting the said bills, *Be it further enacted* by the authority aforesaid, That the said bills shall be indented, and shall be stamped or otherwise marked with such stamps, marks and devices as the Governor or Commander-in-chief of this Province for the time being shall direct, appoint or approve, and shall be signed and numbered by the said commissioners, and shall be of the tenor following, that is to say:

"South Carolina

No.

Twenty Shillings.

Form of the bill. "This indented Bill of Credit, due from his Majesty's Province of South Carolina, shall pass current in all payments to the public treasurer and all others for Twenty Shillings lawful money of South Carolina, according to law. In the year of our Lord one thousand seven hundred and —, and in the — year of his Majesty's reign."

And so, *mutatis mutandis*, for a greater or lesser sum.

Trustees of the
General Loan
Office.

III. *And be it further enacted* by the authority aforesaid, That the said commissioners shall be also trustees for lending out the said bills of credit, or silver or gold, and taking and receiving all securitys for the bills, or silver or gold, so lent, for the uses and according to the directions of this Act, hereinafter mentioned, limited and appointed concerning the same, and shall be styled, called and named the Trustees of the General Loan Office of the Province of South Carolina, and by that name shall be a corporate body, and shall have succession, during the continuance of this Act, and by the same name shall be able and capable in law to receive, take, hold, enjoy and retain, to them and their successors in the said trust, all such lands, tenements, rents and hereditaments as shall be granted to them in mortgage, for securing the repayment of such sums of money as they shall from time to time lend and issue in the said bills of credit, or silver or gold; and also to sell, grant, alien and dispose of the same in default of payment, as in and by this Act is provided and directed in those cases; and by the same name to sue and implead, be sued and impleaded, answer

May hold land
on mortgage,
and alien and
sell land.

and be answered unto, in all cases relating to the said trust, in all courts and other places whatsoever; and by the name aforesaid to do and execute all other matters and things that to them shall or may appertain to do and perform pursuant to this Act, subject to the provisoes, restrictions and limitations herein expressed. And for the better and more due performance of the said trust, the said trustees shall, before they enter on the execution of their said office, take the following oath before the Governour or Commander-in-chief of this Province for the time being, to wit: "I, A B, do solemnly and sincerely swear that I will, according to the best of my skill and knowledge, faithfully, impartially and truly demean myself in discharge of the trust committed to me in and by the Act of the General Assembly of this Province for stamping, emitting and making current the sum of two hundred and ten thousand pounds in paper bills of credit, according to the purport and tenor of the said Act. So help me God."

A. D. 1746.

To take an oath.

IV. *And be it further enacted* by the authority aforesaid, That the said trustees, when the bills of credit hereby directed to be stamped and issued are finished, shall exchange one hundred thousand pounds in the said bills for the present paper bills, that all the bills of credit of this Province may, as soon as conveniently they can, be brought and put upon one and the same foundation; and the remaining sum of one hundred and ten thousand pounds in the bills of credit to be imprinted, signed and stamped by virtue of this Act, the said trustees shall lend out at interest, at the rate of 8 per cent. per annum, to such of the inhabitants of this Province as shall be desirous to take up the same, on giving land or other sufficient security to the said trustees, in manner hereafter directed: Provided always, that no greater sum than one thousand pounds in the said bills of credit, nor less than one hundred pounds, shall be lent to any one person.

May exchange the present for former bills of credit.

May lend at 8 per cent. interest not more than £1000, nor less than £100, on mortgage.

V. *And for the better supporting and maintaining the credit of the said bills, Be it further enacted* by the authority aforesaid, That the said trustees, before they accept or take any lands, houses, tenements or hereditaments in mortgage for any of the said bills, silver or gold, shall inform themselves of the real value of the said lands, houses, tenements and hereditaments, and also of the title thereto, so as to be satisfied that the persons offering the same in mortgage have a good and perfect estate in fee simple therein, freed and discharged from all incumbrance; and the sum in the said bills, silver or gold, which the said trustees shall lend as aforesaid on such mortgage, shall not be more than one half the value of the premises mortgaged; which said mortgage, when the same is duly executed in the presence of two credible witnesses, and acknowledged before and attested by any one of his Majesty's justices of the peace, shall be registered or recorded in the public register's office in this Province; any law or usage to the contrary in any wise notwithstanding.

Nor more than half the value of the security offered.

VI. *And be it further enacted* by the authority aforesaid, That to prevent, as much as may be, charge and expence to the borrowers of the said bills of credit, silver or gold, to be lent out by virtue of this Act, the said deeds of mortgage shall be drawn and made in a short, concise and substantial form, and when the same or any of them are executed and acknowledged or proved, as by this Act is directed, shall transfer the said houses, lands, tenements and hereditaments thereby granted to the said trustees, and vest the inheritance thereof in them and their successors, trustees for the time being, as fully and effectually as any deeds of feoffment with livery and seizen, or deeds enrolled in any of his Majesty's courts at Westminster, may or can do, subject, nevertheless, to be vacated according to the provisoes or agreements therein expressed; in all which deeds of mortgage, the words "grant, bargain and sell," shall amount to

Mortgage deeds to be in a concise form.

Effect of the words Grant, Bargain and Sell.

A. D. 1746.

Precautions in
taking the
mortgage.

and be construed and adjudged in all courts of judicature in this Province to be express covenants to the said trustees, their successors, trustees for the time being, and assigns, from the bargainer or mortgager, for himself, his heirs, executors and administrators, that the mortgager was, at the time of the execution of such deed, seized of the hereditaments and premises thereby granted, of an indefeasible estate of inheritance in fee simple, free from all and all manner of incumbrances whatsoever, (the quit rents only excepted,) and for the said trustees and their assigns quiet enjoyment thereof against all and all manner of persons whatsoever; and also for further assurances to be made of such premises by the said mortgager and his heirs, as the said trustees and the trustees for the time being shall require, as fully and amply to all intents and constructions whatsoever, as if those covenants at large were expressly set down and contained in such deed of mortgage. And the said trustees and their successors, trustees for the time being, shall and may, in any action to be brought by them, assign breaches thereupon, in such and the same manner as they might or could do if such covenants had been expressly and at large inserted in such deeds; any law or usage to the contrary in any wise notwithstanding. And after the said mortgages are enrolled as aforesaid, the interest thereon respectively to grow due shall be duly and punctually paid to the said trustees, on the days and times whereon the same by the respective mortgages ought to be paid, in Spanish or English silver coin, at the rate of one pound seventeen shillings and six pence current money per ounce, or in gold at twenty-seven pounds current money per ounce, and shall be applied by the said trustees to the uses and purposes by this Act herein-after mentioned and directed.

Value of silver,
£1 17 6 current
cy, per oz.

Of gold, £27,
currency,
per oz.

5-8ths of the
coin received
to be put out to
interest at the
aforesaid rates.

2-8ths to be
applied to assist
poor Protestant
emigrants.

VII. And whereas, the bills of credit now extant are a debt owing by the public, which ought to be paid off and discharged, and that hereafter all the paper currency in this Province may be on one and the same foundation of a public loan, the principal to be land or other good security, and the interest constantly paid in silver or gold, as aforesaid, by means whereof the mutation or depreciating in value of the bills of credit to be issued as aforesaid will be effectually prevented, and the evil heretofore complained of happily remedied; *Be it further enacted* by the authority aforesaid, That five eighth parts of the silver and gold which shall be paid as interest into the hands of the trustees, shall by them be annually put out on interest at the rates or value aforesaid, until the whole principal out on bonds secured as aforesaid shall amount unto the sum of two hundred and ten thousand pounds, at which time the said debt of one hundred thousand pounds will be entirely paid off and discharged, and after which time the said five eighths shall be applied in such manner as the General Assembly shall direct; and other two eighths of the said interest shall be annually applied for the further subsisting poor protestants who shall arrive in this Province and settle in the new townships; and the other remaining one eighth of the interest shall be applied for paying the commissioners or trustees appointed by this Act for signing, exchanging and putting out to interest the bills of credit, silver or gold, as aforesaid, and for paying their clerk.

Time of repay-
ment.

VIII. And in order again to sink the said bills of credit so let out at interest, *Be it further enacted* by the authority aforesaid, That the repayment of the principal shall commence at the time aforesaid of the old debt being paid off and discharged, and thenceforward annually the obligor or borrower shall, over and besides the interest due on his or their bond, respectively pay to the said trustees one tenth part of the principal, and such payments yearly and every year to be made, so that the whole prin-

cipal be fully paid and discharged in the space of ten years; and the sums so received in discharge of the principal aforesaid, shall be annually burnt to ashes by the said trustees in presence of three or more members of his Majesty's honorable Council, who shall regularly certify in some proper book in the said trustees office, the sum or sums so burnt.

A. D. 1746.

Bills received in payment to be annually burnt.

IX. And for the better carrying on the purposes intended by this Act, and for the due execution thereof, *Be it further enacted* by the authority aforesaid, That there shall be kept in Charlestown by the said trustees an office for the transacting the affairs and business required to be done and performed in and by this Act; at which said office the said trustees, or any three of them, shall attend on every Tuesday and Wednesday in every week, during the term of one year after the confirmation of this Act, and after the expiration of the said year the attendance of the said trustees at the said office shall be at such convenient times as the said trustees shall in their discretion think fit and appoint for the execution of the trust reposed in them by this Act. And for the better ease and conveniency of the said trustees, they are hereby allowed and enabled to chuse and appoint a fit person to serve them in the office of a clerk, during the continuance of their trust, or any shorter time, and the same to remove, if they shall see occasion, and appoint another in his room.

Office to be kept in Charlestown.

X. *And be it further enacted* by the authority aforesaid, That all the said bills of credit that shall be made and issued by virtue of this Act, shall be and continue current in this Province, and shall be current in all payments to the public treasurer and all others in this Province, for the sums in the said bills respectively mentioned, and shall be held, deemed and taken to be a good and sufficient tender in the law, to all intents and purposes whatsoever, for discharging all debt and debts, sum and sums of money whatsoever, due on record or otherwise, or on judgments, mortgages, specialties, bonds, promises or contracts, and all demands whatsoever, now due or hereafter to grow due or payable in this Province.

The bills to pass as current money and a valid tender.

XI. *And be it further enacted* by the authority aforesaid, That a committee of the General Assembly of this Province shall, once in every year, or oftener if the General Assembly shall think fit, be appointed and shall audit the accounts of the sums of money in bills of credit, silver or gold, let out upon loan to the inhabitants of this Province, according to the directions of this Act, and also the sums of money received by the said trustees in silver or gold, for the annual interest aforesaid, pursuant to this Act.

Accounts to be audited.

XII. And for the more easy and effectual remedy against all such person and persons who shall borrow any of the said bills of credit from the said trustees, and shall refuse or neglect to pay the interest thereon annually to grow due, as aforesaid, at the end of every year, from the time of borrowing the same; *Be it further enacted* by the authority aforesaid, That when and as often as any person or persons (his, her or their heirs, executors, administrators or assigns) who shall borrow any of the said bills of credit, silver or gold, shall refuse or neglect to pay the annual interest due or to grow due on the principal sum by him, her or them borrowed as aforesaid, at the rates aforesaid, by the space of sixty days next after the end of every year, when the same shall respectively become due, in such manner and form and according to the purport, tenor and true intent and meaning of the respective bonds and mortgages entered into by the mortgager, (at the time of borrowing the said bills of credit, silver or gold) and this Act of Assembly, that in every such case, and upon every such refusal, neglect or default, made in the premises, it shall and may be lawful to and for the said trustees, and the

Refusal to pay interest during sixty days.

Trustees in such case to enter upon the mortgaged lands.

A. D. 1746.

And dispose of
the same by
indorsement of
the deeds.

trustees for the time being, and they are hereby required, to enter into and upon the said mortgaged premises, and all and all manner of persons whatsoever thereout to expel and remove, and after notice given thereof by publishing the same in five successive Gazettes, or other public notice in case there should be no Gazette, at the distance of one week from each other, that unless the arrears of interest due on such mortgaged premises be paid within the said five weeks that the said premises will be sold at public outcry, for the most money that can be got for the same, it shall and may be lawful to and for the said trustees to sell, alien and dispose of the said mortgaged premises, to any person or persons, their heirs or assigns, in fee simple; and which sale, alienation and disposition shall be made by the said trustees by indorsement on the back of the respective mortgages, in writing, under their hands and seals, which shall be sufficient in law to all intents and purposes, to convey the premises so aliened and sold to the person and persons buying the same, their heirs and assigns, in fee, and they shall and may hold and enjoy the same against the said mortgager, his heirs and assigns, and all other person and persons whatsoever claiming under him or them, clearly discharged and freed from all equity and benefit of redemption whatsoever; any law, usage or custom to the contrary in any wise notwithstanding.

Overplus to be
returned to the
mortgagor.

XIII. *And be it further enacted* by the authority aforesaid, That in case the money arising by such sale of the said mortgaged premises shall be more than sufficient to pay off and discharge the said interest so in arrear, and the principal money on which the same became due, and the reasonable costs and charges of the said trustees on such sale, that then and in every such case the said trustees shall return the overplus (after deducting the said principal, interest and costs) unto such mortgager or mortgagers, their heirs or assigns.

In case of
danger of loss
judgment may
be entered up.

XIV. *And be it further enacted* by the authority aforesaid, That if after any messuages, houses, lands, tenements or hereditaments whatsoever are mortgaged as aforesaid to the said trustees, according to the directions of this Act, it shall appear that the party mortgaging had no good right or title to the premises mortgaged, or if the said trustees shall apprehend there is any danger of losing the moneys or any part thereof advanced in loan upon the credit of such lands, tenements, messuages or hereditaments, it shall and may be lawful to and for the said trustees and the trustees for the time being to enter up judgment on the bond and warrant of attorney, (which they are always required to take from the mortgager at the time of giving his mortgage, for the further and better security of the sum in the said paper bills, silver or gold, borrowed from the said trustees) of the said mortgager, and to take out execution either against his person or goods, as they shall think shall best tend to securing the money due on such bond and mortgage.

Nomination of
commissioners.

XV. *And be it further enacted* by the authority aforesaid, That the Honorable Edmond Atkin and Charles Pinckney, Esqs., and William Bull, junior, Othniel Beale and Isaac Mazyck, Esqs., be, and they are hereby nominated and appointed, commissioners for the imprinting, stamping, signing and issuing the bills of credit by this Act directed to be imprinted, stamped, signed and issued, and trustees for having and executing all and singular the trusts, powers and authorities in this Act directed, given, granted or appointed; and that in case of the death, refusal to act, or removal from this Province of any of the said commissioners and trustees, other person or persons shall be appointed by the General Assembly in the room of those dying or refusing to act, or removing from this Province,

who shall have all and the same powers and authorities, and be under the same obligations, as the commissioners and trustees named in and by this Act. A. D. 1746.

XVI. *And be it further enacted* by the authority aforesaid, That the said commissioners, appointed or to be appointed by virtue of this Act, shall be subject to be removed and displaced by the General Assembly, and not otherwise. Removable by the Assembly.

XVII. *And be it further enacted* by the authority aforesaid, That if any person or persons shall forge, counterfeit or utter any bill or bills, in imitation, likeness or similitude of any of the said bills of credit by this Act directed to be imprinted, stamped, signed and issued, or that shall exchange with the said trustees any such forged or counterfeited bills, or shall utter any such forged or counterfeited bills, (knowing the bill or bills so exchanged or uttered to be forged or counterfeited) or shall counsel, advise, procure or any ways assist in the forging, counterfeiting, imprinting, stamping or signing of any such bill or bills, or that shall engrave any plate or make any other instrument, knowing the same to be intended to be used in making such false or counterfeit bill or bills, that then every such person and persons so offending, and being thereof lawfully convicted, shall be adjudged to be guilty of felony, and shall suffer the pains of death as a felon, without the benefit of the clergy. Forging or counterfeiting bills of credit, felony without clergy.

XVIII. *And be it further enacted* by the authority aforesaid, That if any action or suit whatsoever shall at any time hereafter be sued or prosecuted against any of the said commissioners, trustees, or any other person or persons whatsoever, for any matter or thing whatsoever which they or any or either of them shall do or cause to be done by virtue or in pursuance of the directions of this Act, that in all and every such actions and suits it shall and may be lawful to and for the defendant and defendants to plead the general issue and give this Act and the special matter in evidence; and in case the plaintiff or plaintiffs in such action or suit shall discontinue, become nonsuit, or a verdict shall pass against him or them, it shall and may be lawful to and for the court in which such action or actions is sued, prosecuted or commenced, to tax and allow to every such defendant and defendants his and their treble costs of suit, for which the said defendant and defendants shall have like remedy as is given by law to other defendants. General issue may be pleaded and this Act given in evidence.

XIX. *And be it further enacted* by the authority aforesaid, That neither this Act nor any thing hereinbefore contained shall be of any force, power or efficiency, but the same is wholly suspended, until his most sacred Majesty's royal approbation and allowance thereof shall be known and signified to the Governor or Commander-in-chief of this Province for the time being; any thing hereinbefore contained to the contrary thereof in any wise notwithstanding. Not to be in force till approved by his Majesty.

WM. BULL, Jun., *Speaker.*

In the Council Chamber, the 17th day of June, 1746.

Assented to : JAMES GLEN.

A. D. 1746.

- No. 739.* AN ACT for raising and granting to his Majesty the Sum of Fifty Thousand one hundred and twenty-one pounds ten shillings and two pence, and for applying the sum of eight thousand and sixty-seven pounds fourteen shillings and eight pence, being the surplus of taxes and the balance of several funds, in the public treasury of this Province—making together the sum of fifty-eight thousand one hundred and eighty-nine pounds four shillings and ten pence—for defraying the charges of the Government for one year, commencing the twenty-fifth day of March, in the year of our Lord one thousand seven hundred and forty-five, inclusive, and ending the twenty-fifth day of March, one thousand seven hundred and forty-six, exclusive. And for raising the sum of one thousand one hundred and seventy-four pounds sixteen shillings and one penny, on the inhabitants and owners of land in the parish of St. Philip, Charlestown, for the use of the Watch in the said town.

(Passed June 17, 1746.)

- No. 740.* AN ACT for preserving the Fortifications and appropriating certain surplus Land in Charlestown.

(Passed June 17, 1746. *See last volume.*)

- No. 741.* AN ACT FOR LAYING BUOYS AND EFFECTING AND SUPPORTING BEACONS OR LAND MARKS, NEAR THE BAR OF THE HARBOR OF GEORGETOWN, WINYAW, AND FOR BUILDING AND REPAIRING ONE OR MORE PILOT BOAT OR BOATS, TO ATTEND THE BAR OF THE SAID HARBOR, AND FOR THE BETTER SETTLING AND REGULATING THE PILOTAGE FOR THE SAID HARBOR.

Preamble.

WHEREAS, the inhabitants of the parishes of Prince George, Winyaw, and Prince Frederick, by their humble petition to the General Assembly of this Province, have set forth the necessity of laying buoys and erecting beacons or land marks, and maintaining pilot boats to attend the bar of the harbor of Georgetown, Winyaw, and divers other things necessary for the regulating the said port and harbor, to the safety and encouragement of such vessels as shall use the same; and that the said inhabitants were desirous to promote and willing to contribute towards the same, and thereby prayed leave to bring in a bill for that purpose; we therefore humbly pray your most sacred Majesty that it may be enacted,

Commissioners
nominated for
the purposes of
this Act.

I. *And be it enacted*, by his Excellency James Glen, Esq. Governour-in-chief and Captain General, in and over this his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council, and the Commons House of Assembly of this Province, and by the authority of the same, That the several persons hereinafter named, be and they are hereby appointed commissioners to put in execution the several matters in this Act directed, viz: Mr. Daniel Laroche, Colonel George Pawley, Colonel Anthony White, Mr. James Wright and

Mr. Paul Trapier, any three of whom are hereby declared to be a quorum, which said commissioners shall be and they are hereby authorized, impowered and required to lay buoys, and to erect beacons or land marks on such place or places near the bar of the said harbor of Winyaw, as they shall judge most proper for that purpose; and also shall build one or two pilot boat or boats, as they shall think necessary, to attend the said bar, and keep the same in sufficient repair, which said boat or boats shall be delivered into the custody and care of the pilots for the said harbor, who shall obtain branches or licences in the manner hereinafter directed. A. D. 1746.

II. And the better to raise a fund for the purposes aforesaid, *Be it further enacted* by the authority aforesaid, That the said commissioners shall be and they are hereby authorized, impowered and required to rate and assess all and every the persons living and residing in the parishes of Prince George Winyaw, and Prince Frederick, for their lands and slaves, and town lots in Georgetown, and all the settled plantations and slaves of other persons in either of the said parishes, rateably and proportionably, according to the quantity of lands and number of slaves, and value of the said town lots held, owned or claimed in either of the said parishes, which assessment shall be made and taken yearly, from the account of the collectors and inquirers of the general tax for the last preceding year; provided that the said assessment shall not exceed the sum of one thousand pounds: Provided also, that nothing herein contained shall extend or be construed to extend to give the said commissioners any power or authority to rate and assess any person or persons living and residing within ten miles of Wateree river, or any of the inhabitants of the north side of Santee river, living upon the said river, and within five miles of the same, to be computed from the nearest part of the said river, in the parishes of Prince George Winyaw, and Prince Frederick, for any part of the charge of laying buoys and erecting the said beacons or land marks, for paying the pilots or for building or repairing the said pilot boat or boats; any thing herein contained to the contrary notwithstanding. Inhabitants to be assessed.
Not exceeding £1000.

III. *And be it further enacted* by the authority aforesaid, That in case any person or persons shall, on due notice given, neglect or refuse to pay his or their part or proportion of such assessment to the said commissioners, then the said commissioners or a quorum of them, shall and they are hereby authorized, impowered and directed to issue a warrant of distress under their hands and seals, against such defaulter or defaulters, for the same, directed to any lawful constable in the county where such defaulter lives or resides. Commissioners may issue a warrant.

IV. *And be it enacted* by the authority aforesaid, That the said commissioners or any three of them, shall and they are hereby authorized and impowered to recommend such fit and competent person and persons to his Excellency the Governor, or the Commander-in-chief for the time being, to nominate and appoint such person and persons to act as pilot and pilots, for the conducting vessels inward to or outward from the said port of Georgetown, as they shall judge proper; and every master or shipper of any ship or vessel, for the consideration of the pilotage of such ship or vessel inward to or outward from the said port, shall pay unto the licensed pilot or pilots, who shall take charge of the same, the following sum and sums of money, rates and prices, as in the following table is directed and appointed, viz. for six feet of water or under, inward or outward, three pounds fifteen shillings; for seven feet, five pounds; for eight feet, six pounds and five shillings; for nine feet, seven pounds and ten shillings; for ten feet, eight pounds and fifteen shillings; for eleven feet, ten pounds; for twelve feet, eleven pounds five shillings; for twelve feet and an half, May recommend pilots.
Fees of pilotage.

A. D. 1746.

twelve pounds and ten shillings; for thirteen feet, thirteen pounds and fifteen shillings; for thirteen feet and an half, fifteen pounds; for fourteen feet, sixteen pounds and fifteen shillings; for fourteen feet and an half, seventeen pounds and ten shillings; for fifteen feet, twenty pounds and ten shillings; for fifteen feet and an half, twenty-five pounds; for sixteen feet, thirty pounds; for sixteen feet and an half, thirty-five pounds; for seventeen feet, forty pounds; current money of this Province.

Penalty for disturbing the buoys.

V. *And be it further enacted* by the authority aforesaid, That if any person or persons whosoever, shall remove or take away any of the said buoys so to be placed, he or they shall forfeit for every such offence, the sum of two hundred pounds current money, to be recovered by action of debt, bill, plaint or information, in any court of record in this Province, wherein no essoign, privilege or protection shall be allowed or admitted, the one half to his Majesty for the use of the said port of Georgetown, and the other half to him or them that will sue for the same.

Exemption of half fee.

VI. *And be it further enacted* by the authority aforesaid, That all ships or vessels which shall come to the port of Charlestown, and afterwards go to the port of Georgetown Winyaw, or Port Royal, for a freight, shall not be liable to pay to any officer or officers whatsoever in the said port of Charlestown, more than half fees.

Commissioners dying or removing.

VII. *And be it further enacted* by the authority aforesaid, That in case any of the said commissioners shall happen to dye, refuse to act or depart this Province, then his Excellency the Governor, or the Commander-in-chief for the time being, shall have power to nominate and appoint another commissioner in the room of him that shall so dye, refuse to act or depart this Province; and such commissioner so to be appointed, shall have the same powers and authorities in all respects whatsoever, as those have who are particularly named in this Act; and the said commissioners shall, once in two years, or oftener if thereto required, transmit a true and faithful account, upon oath, to the General Assembly of this Province, then in being, of all the moneys laid out by them, and of the moneys which shall come to their hands by virtue of the assessment hereinbefore directed to be made upon the lands and slaves in the parishes of Prince George Winyaw and Prince Frederick.

General issue may be pleaded

VIII. *And be it further enacted* by the authority aforesaid, That if any of the said commissioners, or any other person or persons whatsoever, shall be sued or prosecuted for any matter, cause or thing, done or to be done in pursuance of or under the authority of this Act, then the said commissioners or other person shall and may plead the general issue, and give this Act and the special matter in evidence, in the court or courts where such suit or prosecution shall be brought or commenced.

IX. *And be it further enacted* by the authority aforesaid, That all ships and vessels which shall come to the port of Georgetown Winyaw, from any port (except the port of Charlestown) shall be liable to pay the same powder money as ships and vessels that go to Charlestown, which shall be paid to such person as the powder receiver in Charlestown for the time being, shall depute and appoint to receive the same.

Limitation five years.

X. *And be it further enacted* by the authority aforesaid, That this Act shall continue, remain and be in force for and during the space of five years, and from thence to the end of the next session of the General Assembly, and no longer.

WM. BULL, Jun., *Speaker.*

In the Council Chamber, the 17th day of June, 1746.

Assented to: JAMES GLEN.

A. D. 1746.

AN ACT FOR THE BETTER ESTABLISHING AND REGULATING OF PATROLS IN
THIS PROVINCE.

No. 742.

WHEREAS, it hath been found absolutely necessary for the security of his Majesty's subjects in this Province, that patrols should be established under proper regulations in the settled parts thereof, for the better keeping of negroes and other slaves in order, and the prevention of any cabals, insurrections or other irregularitys amongst them; we therefore humbly pray your most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted*, by his Excellency James Glen, Esq., Governor in chief and Captain General in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council and the Commons House of Assembly of the said Province, and by the authority of the same, That within the space of three months from and immediately after the passing of this Act, every captain of a company of foot militia throughout this Province, except those hereinafter excepted, shall severally and respectively summon together his lieutenant and ensign, and shall in concert with them, where the captain, lieutenant, and ensign shall meet, and where they shall not then any two of them, the captain being one unless absent or dead, shall subdivide and distinguish his and their company district into as many other convenient patrol districts as they shall think most proper and consistent with the extent and situation of the general company district, which said subdivided districts severally and respectively shall thenceforth be the patrol districts in each parish, unless the same shall be thought necessary to be altered by the said officers as aforesaid, and wherein the owners of settled plantations as well as the other inhabitants of any such subdivided patrol district (white servants excepted, and such persons also as are already exempted from riding patrol by an Act to encourage and induce handicraft tradesmen, shop-keepers, and others, to settle in towns and villages upon the passes over rivers and other places in this Province,) and as well alarm men as others both of foot and horse shall be subject to the patrol duty of that district, and shall either by themselves in person or by others employed for that purpose, do their patrol duty regularly and successively, according to the true intent and meaning of this Act; and in case any captain, lieutenant or ensign shall, for the said term of three months from and after the passing of this Act, omit or fail to subdivide and distinguish his or their company district in manner hereinbefore enjoined, every such captain, lieutenant, or ensign shall respectively be subject to pay the penalty of one hundred pounds current money of this Province, to be recovered by bill, plaint, or information in any court of record in this Province, and shall be forfeited to his Majesty for the use hereinafter mentioned, that is to say, to be paid to the commissioners of the high roads in the parish where the offence shall be committed, and to be by them applied towards repairing the bridges and causeys in such parishes respectively; and that it may be known to what patrol district the several persons belong, the clerk of each company respectively shall enter the patrol districts in a book to be kept for that purpose, which book shall be viewed by any person belonging to the company without fee or reward.

Patrol districts to be set off.

Exceptions of persons liable to be called on.

Penalty on militia officers neglecting to set off patrol districts.

II. And forasmuch as all persons, as well women as men, who are or shall be owners of settled plantations in any district, ought to contribute

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Patrol lists to be made out and kept.

Owners of plantations to furnish equipments.

Infirm poor persons exempted.

Persons liable to patrol duty to be pricked off from the list on each muster day.

Women who have not ten slaves exempted.

Townships recently laid out and settled, exempted.

to the service and security of that district, where their interest lies, whether such persons be residing there or not, *Be it therefore enacted* by the authority aforesaid, That the captains of each company of foot militia shall in their several districts make out and keep from time to time a special patrol list for every subdivided and distinct patrol district, in which shall be inserted the names of all owners of settled plantations lying therein, as well women as men, except on such plantations belonging to women where there shall be an overseer, to perform patrol service, and as well alarm men as others, whether they reside there or not, as also the names of all the white male persons there inhabiting; provided that the masters of all overseers and white male servants, who by this Act are obliged to do patrol service, shall be obliged to furnish their said overseers and servants with a horse and furniture for such service; provided also; that every person having settled plantations in this Province, on which white overseers shall be severally and constantly employed, shall not be subject or obliged to do patrol service in those districts where such plantations lie, on which white overseers are employed as aforesaid, other than in such in which he shall actually reside; and, which persons, male and female, whose names shall be so inlisted, except such infirm persons as shall be by the captain and one of his officers deemed unable to pay for the hire of a person to perform patrol duty, shall be answerable for the patrol service of that district severally, successively, and in turns; and on every muster day the said captains or other commanders of the foot militia, shall, out of every such patrol list, prick off the names of so many persons, as well women as men, and absentees, owners of plantations there, as well as residents, except as before excepted, all the male persons of which lists severally and respectively whose names shall be so pricked off, shall by themselves or others employed and provided for that purpose, severally and respectively ride patrol, and do the service herein-after directed, from that muster day till the next ensuing muster day, when another patrol shall be pricked off in the like manner by equal turns, and so on, time after time on every ensuing muster day, regularly, equally, and successively, always choosing the nearest set of inhabitants mentioned in the general patrol list, to do duty together, that they may meet and assemble with the most convenience and expedition; and if any man or woman (excepting such women who have not ten slaves, and excepting as before excepted,) owner of a settled plantation in any district, shall fail of having a sufficient person ready to perform the patrol service on his, her, or their behalf, when thereunto required, or shall refuse to perform patrol service, every such person shall forfeit and pay the sum of thirty shillings current money a night, to be recovered and applied as is hereinafter mentioned.

III. And forasmuch as there are but few negroes as yet employed in any of his Majesty's townships, lately laid out in this Province, the white inhabitants whereof are much superior in number to the negroes there, so that the riding patrol there may not be necessary, *It is therefore hereby provided and enacted*, That nothing in this Act contained shall extend or be construed to compel the captains of the several companys of foot militia in any of the said townships to appoint the performing of patrol duty in the said townships, but that the inhabitants of the said townships shall be exempt from the duties required by this Act; any thing hereinbefore contained to the contrary notwithstanding.

IV. *And be it further enacted* by the authority aforesaid, That the captains of the several companys belonging to the regiment of the parish of St. Philips Charlestown shall prick off five men from the lists of their

companies respectively, including as well horse as foot, alarm men and others, in the said parish, to perform the patrol service in the said parish, beginning with the first company, and so through the list of the said companies (including troopers and others on the alarm list,) on to the last company, which men so pricked off shall be obliged to perform the patrol service for one month, and then to be relieved by five others; provided that no man in the said town shall be obliged to ride patrol in the said parish, but such as pay five pounds per annum in the general tax; and the men so pricked off shall be subject and liable to the same penalties for breach or neglect of duty in the said patrol service as the men pricked off in the country companies are subject or liable to; and provided always, that nothing in this Act contained shall be construed or intended to subject the Commander-in-Chief for the time being, or any of the members of his Majesty's Honorable Council or of the Commons House of Assembly, or their officers, the public treasurer, powder receiver, commissary general, comptroller of the country duties for the time being, nor any judges, ministers of the gospel, custom-house officers, or other persons commissioned by virtue of his Majesty's sign manual, or to the pilots or ferry-men in any part of this Province, or any indented apprentice, to serve upon any patrol duty in person in any district whatever; any thing hereinbefore contained to the contrary notwithstanding.

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In the parish of St. Philips, 5 men to patrol monthly.

Public officers exempted.

V. *And be it further enacted* by the authority aforesaid, That the captain or commanding officer of every company shall have power in their several districts from time to time to appoint one good and discreet person from among the persons so pricked off to be their commander as soon as their names shall be so pricked off as aforesaid; and in case such captain or commanding officer fail so to do before they leave the place of muster, that then the said captain or commanding officer be liable to the fine of ten pounds, to be recovered as hereinafter mentioned; and in case the commander of the patrol so to be pricked off shall neglect or refuse to do the duty by this Act enjoined, it shall and may be lawful to and for the captain or commanding officer of the company to inflict a fine upon him not exceeding the sum of five pounds, to be levied, recovered, and applied in the same manner as the fine next hereinafter mentioned; and that the commander of every patrol may have better authority to keep them in good order and demeanor during their time and turn of duty, it shall and may be lawful for every such patrol commander, and they are hereby directed and required, on any default, or misbehaviour, or neglect of duty of any patrol man, to inflict a fine upon him not exceeding the sum of thirty shillings current money, for the use of the patrols respectively in which such neglect, default, or misbehaviour, shall be committed, to be levied by distress and sale of the offender's goods by virtue of a warrant for that purpose directed to the sergeant of the company under the hand and seal of the captain or commander of the company for that district in whose company or patrol such neglect, default, or misbehaviour shall happen or be committed, which sergeant shall be allowed one shilling per mile, and one shilling per pound, for his trouble in levying the same.

A patrol commander to be appointed.

Penalty on the commander of £5 for refusal or neglect.

His power.

Fees of the sergeant.

VI. *And that the said patrols may be the better able to suppress any mischievous designs of negroes or other slaves during their time of service, It is hereby further enacted* by the authority aforesaid, That every person undertaking as a proxy for another to serve in the said patrol in pursuance of or by virtue of this Act shall provide for himself and keep always in readiness and carry with him on his patrol service one good gun or pistol in order, a cutlass, and a cartridge box with at least six cartridges

Proxies to keep proper arms and accoutrements.

A. D. 1746.

in it, under the penalty of twenty shillings current money, for want of any such arms or ammunition at such times and places as they shall be appointed by their respective commanders in their several districts.

Slaves without tickets to be taken up.

Slaves not to be abused.

Negro houses to be searched for offensive weapons.

May enter the houses of persons suspected of trafficking with negroes, or of having stolen goods.

Penalty on commanding officer for neglect of duty.

Substitutes may be appointed

General issue may be pleaded and this Act given in evidence.

VII. *And be it further enacted* by the authority aforesaid, That every patrol shall ride once at least in every fortnight in their several and respective districts, and may take up all slaves which they shall see without the fences or cleared ground of their owners' plantations, who have not a ticket or letter to shew the reasonableness of their absence, or who have not some white person in company to give an account of his, her, or their business, and such patrol may correct every such slave or slaves by whipping with a switch or cowskin, not exceeding twenty lashes; provided that no patrol man shall beat or abuse any slave, quietly and peaceably being in his master's plantation, or found any where out of the same, having a lawful ticket, under the penalty of forty shillings, to be recovered by warrant from any justice of the peace upon oath, and paid to the owner of the slave so abused; and the said patrols shall have full power to search and examine all negro houses for offensive weapons and ammunition, and on finding of any such contrary to the Act for the better ordering and governing of negroes and other slaves, shall then proceed according to the method by the said Act directed.

VIII. *And be it further enacted* by the authority aforesaid, That the said patrols in their several districts, or any two persons belonging to the said patrols respectively, shall have full power, and they are hereby authorized and empowered, to enter into any disorderly tipling house or other house suspected of harboring, trafficking, or dealing with negroes, either of white persons, free negroes, or others, and to apprehend and correct all disorderly slaves there found, by whipping as hereinbefore directed; and the said patrols in their several districts may search any such disorderly houses for stolen goods, if any are suspected to be there concealed, upon oath first made of such suspicion before a magistrate, and the same certified to the commander of such patrol.

IX. *And be it further enacted* by the authority aforesaid, That in case the captain of any district or other commanding officer at any muster day, or within five days after, shall fail or neglect to prick off a sufficient patrol for any district according to the method prescribed by this Act, in manner aforesaid, each of the said captains or other next commanding officer, shall, for every such neglect or default, forfeit the sum of forty shillings for every patrol district so unsupplied, to be recovered by warrant under the hand and seal of any justice of the peace for the county where the offence shall be committed, and shall go to his Majesty and be paid to the commissioners of the high roads in the parish where the offence shall be committed, and to be by them applied towards repairing the bridges and causeys in such parishes respectively.

X. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful to and for any person or persons to send another white person or persons between the age of sixteen and sixty years, to ride patrol for them and to perform the other duties required of patrols; and if any captain, or other officer, constable, patrol man, or other person, shall be sued, arrested, or impleaded for any matter or thing which he shall do, or cause to be done, by virtue of or in pursuance of this Act, it shall and may be lawful for every such captain and other officer, constable, patrol man, and other person, to plead the general issue, and give this Act and the special matter in evidence on the trial; and if a verdict shall pass against the plaintiff or plaintiffs, or that such plaintiff or plaintiffs shall suffer a nonsuit or discontinue his or their action or suit,

then in every such case the court where such action shall be depending, shall tax and allow to the defendant or defendants, his and their double costs in every such suit or action; provided always, that this Act and every thing herein contained, shall continue and be in force for the term of three years, and from thence to the end of the next session of the General Assembly, and no longer.

A. D. 1746.

WM. BULL, Jun., *Speaker.*

In the Council Chamber, the 17th day of June, 1746.

Assented to: JAMES GLEN.

AN ACT FOR THE APPOINTMENT OF A POWDER RECEIVER, AND FOR THE BETTER REGULATING OF THAT OFFICE. No. 743.

WHEREAS, the office of powder receiver is become vacant by the death of Col. Miles Brewton, the late powder receiver, and there being some regulations necessary to be made in the said office, we humbly pray your most sacred Majesty that it may be enacted, Preamble.

I. *And be it enacted*, by his Excellency James Glen, Esq., Governor in chief and Captain General in and over the Province of South Carolina, by and with the advice and consent of his Majesty's honorable Council and the Commons House of Assembly of this Province, and by the authority of the same, That Colonel Robert Brewton be powder receiver of this Province, in the room of the said Colonel Miles Brewton, deceased; and that he have and receive all the fees, perquisites, and emoluments appertaining to the said office.

II. *And be it further enacted* by the authority aforesaid, That the powder receiver hereby appointed, and all powder receivers hereafter to be appointed, shall, before he or they be permitted to execute the said office, enter into bond with one or more sufficient sureties to his Majesty, his heirs and successors, in the penal sum of two thousand pounds proclamation money, for the due and faithful execution of his office, and to render a just and true account of all the powder received by him for the use of the public, when thereto required by his Excellency the Governor or the Commander-in-Chief for the time being, or by either House of Assembly, and also for payment of the balance of such powder as shall be in his hands belonging to the public. Powder receiver to give security in £2000.

III. *And whereas*, all public officers ought to be under a check, *It is hereby further enacted* by the authority aforesaid, That every commander or master of any ship or vessel that now is, or hereafter shall come into any port or harbor in this Province, at the time of his clearing out at the treasurer's office, shall give a true and just account upon oath of the burthen and tunnage of such ship or vessel according to the rule prescribed for the measuring of vessels in and by an Act of the General Assembly of this Province, intituled an Act for raising a public store of gun-powder for the defence of the Province of South Carolina; and the said public treasurer shall certify the same to the powder receiver, without which the powder receiver shall not clear any vessel in his office; and the said powder receiver shall be, and he is hereby obliged and required to keep the said certificate so given upon a file, that the same may be inspected when the powder receiver's accounts shall be examined. Masters to furnish an account on oath of the tonnage of vessels liable to powder duty.

A. D. 1746.

The powder in
the magazine
to be turned
every 4 weeks.

Persons carry-
ing powder to
the magazine.

Daily attend-
ance to be
given.

IV. *And be it further enacted* by the authority aforesaid, That the powder receiver for the time being shall be, and he is hereby strictly enjoined, obliged, and required once in every four weeks to cause all the powder in the magazine belonging to the public to be turned.

V. *And be it further enacted* by the authority aforesaid, That all and every person and persons who shall have any gun-powder carried to or brought from the powder magazine, shall, and they are hereby required to cause such powder to be covered with blankets, or in some other secure manner, so as to prevent any accident that might otherwise happen; and every person who shall neglect or refuse so to do, shall forfeit the sum of ten shillings current money for every cask so to be carried to or brought from the magazine, contrary to the directions of this Act, to be paid to the person who will inform and sue for the same within forty-eight hours after the offence committed, to be recovered by warrant from any justice of the peace.

VI. *And be it further enacted* by the authority aforesaid, That the powder receiver for the time being, shall be, and he is hereby obliged, if required, to give constant and due attendance every day (Sundays and holydays excepted) from the hour of eight to eleven in the morning, for the delivering out and taking into the powder magazine all powder belonging to private persons.

WM. BULL, Jun., *Speaker.*

In the Council Chamber, the 17th day of June, 1746.

Assented to: JAMES GLEN.

No. 744. *AN ACT* TO PREVENT FRAUDS AND DECEITS IN SELLING RICE, PITCH TAR, ROSIN, TURPENTINE, BEEF, PORK, SHINGLES, STAVES AND FIRE WOOD, AND TO REGULATE THE WEIGHING OF THE SEVERAL COMMODITYS AND MERCHANTIZE IN THIS PROVINCE.

Preamble.

FORASMUCH as the credit and repute of the commoditys of this Province may be better increased and established, by having wholesome laws therein subsisting for the reformation of abuses in selling the same, we therefore pray his most sacred Majesty that it may be enacted,

Before the articles are sold, the barrels to have a burnt mark.

I. *And be it enacted*, by his Excellency James Glen, Esq., Governor in chief and Captain General in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council, and the Commons House of Assembly of this Province, and by the authority of the same, That all and every person and persons whatever, who after the twenty-fourth day of August next ensuing the passing of this Act, shall sell or expose for sale in any part of this Province, any pitch, tar, rosin, turpentine, beef or pork, in any casks or barrels, shall first set on every such cask or barrel a burnt mark, with the first letter of the christian name, and the sirname at length, of the maker of such commodity, with an iron brand, hereby directed for that purpose; and if any person, after the said twenty-fourth day of August aforesaid, shall in any port or place of exportation within this Province, sell or expose to sale any of the said commoditys hereinbefore enumerated, in any cask or barrel, before the same be marked and branded as aforesaid, every such person shall, for every such cask or barrel, forfeit the sum of

ten shillings, current money of this Province, to the person or persons who will inform and sue for the same, to be recovered before any justice of peace of this Province, in such manner as is provided by the Act for the tryal of small and mean causes; and if any merchant, factor, trader or other person, shall after the said twenty-fourth day of August, ship or put on board any ship or vessel, any of the said commoditys hereinbefore enumerated, in any casks or barrels, with intent to export the same before such casks or barrels be marked and branded as aforesaid, every such merchant, factor, trader or other person, shall forfeit the sum of ten shillings for every such cask or barrel, to be sued for, recovered and disposed of in manner aforesaid.

A. D. 1746.

Penalty.

II. *And be it further enacted* by the authority aforesaid, That if any planter or other person shall sell or expose for sale to any merchant, factor or any other person, at any port or place of exportation within this Province, any casks or barrels of rice, which upon opening or uncasking the same, shall be found to contain any unfair and fraudulent mixture of small or damaged rice, then and in every such case, the seller of the said rice, or person offering the same to sale, shall immediately, on request of the buyer, or person offering to buy the same, name one indifferent person, being a freeholder, and the said buyer another, to view the said rice, and if such two persons shall agree in opinion and certify the same in writing under their hands, that such rice was deceitfully and fraudulently packed and exposed for sale, every such cask or barrel, so fraudulently packed and exposed to sale, shall be and the same is hereby declared to be forfeited to his Majesty, for the use of the public of this Province, and to be applied in ease of the tax of the then current year, and the same shall be sold or caused to be sold by the public treasurer of the Province, or by the persons or person who shall condemn the same, for the use aforesaid, who shall be allowed thereout, five per cent. for their trouble: Provided always, that if the seller shall refuse to nominate a person to view the said rice, that then the buyer shall nominate both the persons to view such rice, who shall have the same power as if one had been named by the seller and one by the buyer; provided also, that in case the said persons nominated as aforesaid, shall not agree in opinion, they shall have power to nominate a third person, being a freeholder as aforesaid, who shall have the same power as the first two by this Act have, and in case either of the said two persons shall refuse or neglect to join, or cannot agree in nominating such third person, then and in such case any justice of the peace, on notice given by both or either of the said persons, shall and he is hereby required to nominate such third person, which third person shall have the same power in the premises as if he had been nominated by both; provided lastly, that such adjudication and certificate shall be made within twenty-four hours from the first application, and the said certificate shall be deemed a sufficient condemnation of the said rice, to warrant the sale thereof as aforesaid; any law, statute, usage or custom, to the contrary notwithstanding.

Barrels containing fraudulent mixtures to be forfeited.

III. *And be it further enacted* by the authority aforesaid, That every person and persons in this Province, shall make his and their casks for packing beef or pork, of sound, dry and well seasoned white or water oak timber, without sap, the heads as well as bodys of which casks shall be made tight so as to hold pickle, and shall fill the said casks with water before the same is packed with any beef or pork.

Barrels to be made of well seasoned white or water oak.

IV. *And be it further enacted* by the authority aforesaid, That from and after the said twenty-fourth day of August aforesaid, every barrel of pitch which shall be made and sold in this Province, shall contain three

Regulations concerning pork and beef,

A. D. 1746.

Rosin and
turpentine.Cattle for pack-
age to be penned
12 hours
before killing.Barrels of tar
and turpentine
to be marked
by a public
packer.The packer
may open sus-
pected casks
and barrels.At the risk of
the person re-
quiring it to be
opened.

hundred and twenty-two pounds gross weight; every barrel of tar shall contain thirty-two gallons; every barrel of pork or beef, shall contain thirty gallons and two hundred pounds weight of wholesome well cured meat in the same, which shall be weighed by the packers, and well packed with salt and pickle, each piece not to weigh more than eight pounds, and not to be cut or mangled further than to take out the kernels or where the bones require it, and not more than two heads in one barrel of pork, but no beefs heads or shanks shall at all be packed; and every barrel of rosin and turpentine shall be clean strained and merchantable, without chips, leaves, filth or dirt.

V. And forasmuch as the killing cattle immediately after their being overheated by driving, often times occasions the beef to taint, *Be it therefore enacted* by the authority aforesaid, That in case any person whoever shall, within three months after the passing of this Act, kill any cattle to put in barrels for sale, without having first penned them twelve hours before the killing them, every such person shall forfeit the sum of three pounds current money, for every head of cattle so killed contrary to the directions of this Act, to the person who will inform and sue for the same, to be recovered before any justice of the peace, in such manner as is directed by the Act for the trial of small and mean causes.

VI. *And be it further enacted* by the authority aforesaid, That no merchant, factor, trader or other person, shall ship or put on board any ship or vessel for exportation from this Province, any tar or turpentine before the same be marked by some public packer, who shall be appointed for that purpose as by this Act is hereinafter directed, and if any person shall offend herein, he shall forfeit the sum of twenty shillings current money, for each cask or barrel so shipped for exportation before the same be marked as aforesaid, to be sued for and recovered before any justice of the peace of this Province, in such manner as is provided by the Act for the trial of small and mean causes, and the said forfeiture shall go to the informer.

VII. *And be it further enacted* by the authority aforesaid, That in case any public packer shall suspect any barrel or barrels of tar or turpentine before he marks the same, to be fraudulent and deceitful, he shall acquaint the person treating for the purchase of the same, of such his suspicion, and shall be obliged to open and examine any such suspected cask or casks, barrel or barrels; and if the same shall appear to be fraudulently and deceitfully packed and exposed to sale, the same shall be forfeited, and sold by the treasurer to such persons as will expend and use the same within this Province, and applied to the same uses as is hereinbefore directed in the case of rice.

VIII. *And be it further enacted* by the authority aforesaid, That if any fraud or abuse shall be suspected in any barrel or barrels of pitch or rosin which shall be brought to market or exposed to sale, the person who shall treat for the purchase of such pitch or rosin, shall be at liberty to cut open as many barrels of the same as he shall think proper, which shall be liable to be viewed, judged and forfeited, as is hereinbefore directed in the case of rice, and where any pitch or rosin shall be condemned as fraudulent by the person or persons empowered (as is hereinbefore directed with respect to rice) to view and judge the same, all such condemned pitch and rosin shall be forfeited, and sold by the treasurer, and applied to such uses as is before directed in the case of rice: Provided always, that where any pitch or rosin shall be ordered to be cut open as aforesaid, without the consent of the owner or person offering or exposing the same to sale, the same shall be done at the risk of the person who

shall cause such pitch to be so cut open, (that is to say) if such pitch or rosin shall not be condemned as fraudulent by the person or persons empowered by this Act to view and judge the same, that then the person who caused the said pitch or rosin to be so cut open and examined, shall take to himself every such barrel so cut open, and which shall not be condemned as aforesaid, and shall pay to the owner or person offering the same to sale, the current sum or price which good pitch or rosin shall then be at, at that port or place, any thing hereinbefore contained to the contrary notwithstanding.

A. D. 1746.

IX. And forasmuch as the overseers and managers of rice plantations, and pitch and rosin works, in the absence or without the privity of their masters or employers, are often guilty of great abuses in the packing and mixing of rice, and filling pitch and rosin, to be sent to market, to the great injury of the buyers as well as discredit of their employers, *Be it therefore enacted* by the authority aforesaid, That whenever any rice, pitch or rosin, shall be sent from any plantation, under the care or management of an overseer or manager, and where the employer does not then live, nor shall happen to be present, if such rice, pitch or rosin, shall by virtue of this Act be forfeited, on account of any unfair or fraudulent mixture, the loss of the rice, pitch or rosin so forfeited, shall fall upon the overseer or manager of that plantation where the same was packed or filled, and the master or owner of the said plantation shall have power to deduct the value of the rice, pitch or rosin so forfeited, out of the wages, share or stipend of such overseer or manager, or recover the same by legal process if he shall think proper, unless such overseer or manager shall make it appear by the evidence of some white person, that to the best of his the said white person's opinion and belief, the barrels which contained the same were well headed and nailed or pegged in his presence, and that he saw the rice, pitch or rosin, fairly packed and filled in the same.

In what cases
the loss shall
fall on the
overseer.

X. *And be it further enacted* by the authority aforesaid, That no merchant, factor, trader or other person, shall ship for exportation, on board any ship or vessel, any beef or pork for a foreign market, before the same be packed by the public packer of that port or place where the same is intended to be shipped, and by the said packer marked or branded, on pain of every such person's forfeiting the sum of twenty shillings current money, for every such cask or barrel.

Penalty on
shipping casks,
&c. not brand-
ed.

XI. *And be it further enacted* by the authority aforesaid, That the packers of the several ports of this Province, shall severally and respectively be nominated and chosen yearly, at the time of choosing parish officers, by the freeholders of the respective parishes where such port is situate, who before they enter into the execution of their offices severally and respectively, shall take the following oath, before some neighboring justice of the peace for that county: I, A B, do solemnly and sincerely swear, that I will faithfully and impartially execute the business and duty of a packer in the town and port of ———, without favor or prejudice to any person or party whatsoever, according to the best of my skill and judgement, and with the greatest expedition, so help me God. Provided always, that there shall be six packers for the port of Charlestown, and two for each of the other ports, and no more.

Oath to be
taken by the
packers.

XII. *And be it further enacted* by the authority aforesaid, That the public packers of the several ports of this Province, shall receive for their trouble, from the seller or owner of any tar, the sum of one shilling for each barrel, and no more, for packing and marking the same with a hot iron; and for every barrel of turpentine, six pence; which he or they shall

Number of
packers and
fees.

A.D. 1746.

Size of pipe
staves, &c.

mark or brand; and the sum of two shillings and six pence for every barrel of beef or pork which he or they shall pack and mark as aforesaid.

XIII. *And be it further enacted* by the authority aforesaid, That all staves to be made for exportation, and all shingles, which after the said twenty-fourth day of August aforesaid, shall be offered to sale in this Province, shall be made of good and sound timber, and shall be of the following dimensions, to wit: Each pipe stave to be made of white oak, fifty-eight inches long, and not less than three quarters of an inch thick at the thin edge, and three inches broad, clear of sap; each hoghead stave to be made of red or white oak, forty-two inches long, not to be less than three quarters of an inch thick at the thin edge, and four inches broad, clear of sap; and each barrel stave, of red or white oak, to be thirty inches long, not to be less than half an inch thick at the thin edge, and four inches broad, clear of sap; and each shingle to be twenty-two inches in length, and not less than half an inch thick at the thick end, and well shaved, so as not to be winding, and not less than three inches and an half broad, clear of sap; and in case there shall be any dispute between the buyer and seller of any staves or shingles, concerning the merchantableness of them, the same shall be determined by the packers of the port or place in which such dispute may happen.

Dimensions of
fire-wood.

XIV. *And be it further enacted* by the authority aforesaid, That after the said twenty-fourth day of August, all firewood which shall be landed for sale, on any bridge, wharf or other landing place in Charlestown, shall consist of four feet in length, and every cord shall be fairly and closely corded up before the same is sold or carried from the said bridge, wharf or landing place, eight feet in length and four feet in height, and so in proportion for every half cord; and in case of any deficiency in the length of any wood so directed to be corded up as aforesaid, such deficiency shall be made up by a proportionable height of the said cord, according to the directions of the wood measurer, hereinafter required to be appointed; and in case any person shall presume to sell and carry off any firewood in Charlestown, before the same is corded up and viewed, and approved of by the wood measurer for the time being, unless it be by the consent and desire of the buyers, every such person shall forfeit the full price of the said wood to the use of the work house in Charlestown, to be recovered as is provided by the Act for the tryal of small and mean causes.

Wood mea-
surers to be
chosen.

XV. *And be it further enacted* by the authority aforesaid, That there be yearly and every year chosen in manner aforesaid, four reputable persons, being freeholders residing in Charlestown, to be wood measurers in the said town for the ensuing year; and the said wood measurers for their trouble in viewing and measuring each cord of wood landed and sold in the said town, shall be paid by the seller the sum of six pence currency for each cord so landed and sold.

Oath to be
taken.

XVI. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, every person who shall be employed in the weighing rice, pitch, turpentine, beef, pork or any other merchandise at any public scales in Charlestown, or any other port in this Province, shall before he take upon him to do the same, take the following oath before any of his Majesty's justices of the peace, who are hereby empowered and required to administer the same, viz: I, A B, do swear, that I will faithfully, equally and impartially weigh all rice, pitch, turpentine, beef, pork or other merchandize that shall be weighed by me, so help me God. And any person weighing any rice or other merchandize whatever, who cannot or shall refuse to produce a certificate of his having taken the said oath, being thereto required by the owner or person who offers such

merchandize to be weighed, shall forfeit and pay the sum of four pounds proclamation money, to be recovered according to the Act for the tryal of small and mean causes, to be paid to and for the use of the informer; provided such information be made within six days after the offence is committed. A. D. 1746.

XVII. *And be it further enacted* by the authority aforesaid, That the commissioners of the market in Charlestown, for the time being, or any two of them, shall be and they are hereby impowered and required, once in every year, to visit the several public scales in Charlestown, and to try every of the weights made use of at any such public scales, by the standard weights lodged in the treasury of this Province: And in case the said commissioners shall find any false weight made use of at any such public scales, the proprietor of such public scales where such false weight shall be made use of, shall forfeit the sum of four pounds proclamation money, to be recovered by a warrant from any justice of the peace, in the same manner as is directed by the Act for the tryal of small and mean causes, and be applied to the use of the poor of the parish of St. Philips, Charlestown. Commissioners to examine the public scales yearly.
Penalty.

XVIII. *And be it further enacted* by the authority aforesaid, That if any person shall be sued or prosecuted for any matter or thing done in execution of this Act, such person may plead the general issue, and give this Act and the special matter in evidence. General issue may be pleaded

XIX. *And be it further enacted* by the authority aforesaid, That this Act and every matter and thing herein contained, shall continue and be of force for the term of three years, and from thence to the end of the next session of the General Assembly. Limitation three years.

WM. BULL, Jun., *Speaker.*

In the Council Chamber, the 17th day of June, 1746.

Assented to : JAMES GLEN.

AN ACT to impower his Excellency the Governor, or the Commander-in-chief of this Province, for the time being, and a majority of the members of his Majesty's honorable Council, who shall be in this Province, to hold a Court of Chancery for repealing the first and ninth paragraphs of an Act of the General Assembly of this Province, entitled an Act for establishing a Court of Chancery in this his Majesty's Province of South Carolina, and for the preventing the discontinuance of process and the abatements of suits in the Courts of Justice. No. 745.

(Passed 17th February, 1746-7. *See last volume.*)

A. D. 1747.

No. 746. *AN Additional ACT TO AN ACT OF THE GENERAL ASSEMBLY OF THIS PROVINCE ENTITLED An Act for enlarging the qualifications of the Electors as well as of the Persons to be elected to serve as Members of the General Assembly of this Province.*

Preamble.

WHEREAS, the dissolution of General Assemblys at the end of one year from the date of the respective writs by which they were called, as is directed in and by an Act passed the twenty-fifth day of May, in the year of our Lord one thousand seven hundred and forty-five, entitled an Act for enlarging the qualifications of the electors as well as of the persons to be elected to serve as members of the General Assembly of this Province, hath been found very inconvenient; we therefore humbly pray your most sacred Majesty that it may be enacted,

Section 5 of act of May 25, 1745, repealed after one year.

I. *And be it enacted*, by his Excellency James Glen, Esquire, Governor in chief and Captain General in and over the Province of South Carolina, by and with the advice and consent of his Majesty's honorable Council and the Commons House of Assembly of the said Province, and by the authority of the same, That from and immediately after the end of this session of the present General Assembly, the fifth clause or paragraph of the said Act, which directs that every Assembly shall determine and be dissolved in one year next after the date of the respective writs by which they were called, be and is hereby declared repealed, to all intents and purposes, and entirely null, void and of no force, as if the same had never been made or inserted in the said Act.

The General Assembly to continue but two years after the date of the writs

II. *And be it further enacted* by the authority aforesaid, That every General Assembly hereafter called by virtue of any writs of election shall determine and be dissolved every two years next after the date of the respective writs by which they were called, unless sooner dissolved by the Governor or Commander-in-chief for the time being; any law, usage or custom to the contrary thereof in any wise notwithstanding.

Persons scrupulous of taking an oath may be elected and sit on making affirmation.

III. And whereas, there are many Protestant dissenters in this Province of good estates and sufficient abilities to serve as members of the Commons House of Assembly, who, out of conscientiousness, (for that they scruple to take an oath by laying the hand upon the holy evangelists) have refused to qualify themselves as members of the said House, whereby the publick hath been deprived of their service; and whereas, the Legislature of this Province, in tender regard to scrupulous consciences, have at divers times passed several Acts granting toleration and indulgence to such Protestant dissenters, (in every respect save qualifying themselves as members of the General Assembly) by permitting them to make a solemn and conscientious declaration and affirmation, according to the form of their profession, instead of taking an oath by laying the hand upon the holy evangelists, which toleration and indulgence hath been of great ease and advantage to the other inhabitants of this Province, inasmuch as such Protestant dissenters have in their turn done the burthensome service of jurymen, and also borne and executed all other unprofitable and expensive offices for the public service, in common with the other inhabitants; *Be it therefore further enacted* by the authority aforesaid, That every person who shall hereafter be returned duly elected as a member to serve in the General Assembly of this Province, (being qualified as by the said Act is provided) and who shall scruple to take an oath by laying the hand upon the holy evangelists, shall (instead thereof) be permitted to qualify him-

self as a member for the parish or place for which he shall be returned, by taking the usual oaths, according to the form of his profession, and making and subscribing the declaration appointed by several Acts of Parliament of Great Britain; any thing in the said recited Act or any other Act contained to the contrary thereof in any wise notwithstanding. And in case any person shall, wittingly, falsely and corruptly affirm and declare himself duly qualified to be chosen and serve as a member of the General Assembly, according to the true intent and meaning of the said recited Act, being thereof lawfully convicted, he shall incur the same penalties, forfeitures and disabilities as persons convicted of wilful perjury do incur by the laws of Great Britain.

A. D. 1747.

Terms and mode of qualification.

Penalty of perjury on false affirmation.

WM. BULL, Jun., *Speaker*.*In the Council Chamber, the 12th day of March, 1747.**Assented to : JAMES GLEN.*

AN ORDINANCE FOR APPOINTING MAJOR WILLIAM PINCKNEY
COMMISSIONER OF THE INDIAN TRADE. No. 747.

WHEREAS, Childermas Croft, late Commissioner of the Indian Trade, hath, by his memorial to the General Assembly, prayed leave to resign the said office and it is necessary that some fit person should be appointed in his room,

I. *Be it therefore ordained*, by his Excellency James Glen, Esq., Governor in-chief and Captain General in and over his Majesty's Province of South Carolina, by and with the concurrence of his Majesty's honorable Council and the Commons House of Assembly of this Province, and by the authority of the same, That Major William Pinckney be, and he shall and is hereby ordained and declared to be, Commissioner for regulating the Indian Trade, to all intents, constructions and purposes whatsoever, and shall have, receive and take, to his own proper use and behoof, all the fees, perquisites and salaries to the said office in any wise belonging or appertaining.

In the Upper House of Assembly, the 11th day of June, 1747.

By order of the House.

WM. BULL, *President*.*In the Commons House of Assembly, the 11th day of June, 1747.*

By order of the House.

HENRY MIDDLETON, *Speaker*.*June 11, 1747. Assented to : JAMES GLEN.*

AN ACT for the better regulating the Militia of this Province, and for repealing an Act entitled an Act for the further security and better defence of this Province. No. 748.

(Passed June 13, 1747. *See last volume.*)

A. D. 1747.

- No. 749. AN ACT for the Tryal of Small and Mean Causes, and for repealing the several Acts now in force which relate to the recovery of small debts.

(Passed June 13, 1747. The former Acts for the tryal of small and mean causes having been repealed, and this Act commencing a new system for the tryal of small and mean causes before a Justice of the Peace, is referred to the concluding volume relating to Courts.)

- No. 750. AN ACT for sinking a Drain in Queen-street, in Charlestown, and for filling up the said street at the east end thereof, and for assessing the lands bounding on the said street which will be benefitted thereby, for defraying the expence thereof.

(Passed June 13, 1747. See last volume.)

- No. 751. AN ACT for establishing a Ferry over Savanna River, at the Garrison of Fort Moore in New Windsor, and for vesting the same in Cornelius Cook, for the term of seven years; and for establishing a Ferry over Stono River, at the place where the Bridge stands, and for vesting the same in Margaret Williamson, widow, her executors, administrators and assigns, for the term of three years.

(Passed June 13, 1747. See last volume.)

- No. 752. AN Additional ACT TO AN ACT OF THE GENERAL ASSEMBLY OF THIS PROVINCE INTITLED *An Act for preventing as much as may be the spreading of Contagious Distempers*: AND TO REVIVE AND CONTINUE AN ACT INTITLED *An Act for the establishing of a Market in the Parish of St. Philip's, Charlestown, and for preventing engrossing, forestalling, regrating and unjust exactions in the said Town and Market.*

Preamble.

WHEREAS, it hath been found that the provisions made in and by an Act of the General Assembly of this Province, intitled an Act for preventing as much as may be the spreading of Contagious Distempers, have not been sufficient to answer the intentions of the Legislature in passing the same, as such distempers have at several times been brought from other parts, since the passing of the said Act, and spread here: For remedy whereof, we humbly pray his most sacred Majesty that it may be enacted,

Oath to be taken by pilots.

I. And be it enacted, by his Excellency James Glen, Esquire, Governor-in-chief and Captain-General, in and over this his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council and the Commons House of Assembly of this Province and by the authority of the same, That all and every of the pilots in this Province shall, in twenty days after the passing of this Act,

and all and every person who shall hereafter obtain a branch to be a pilot in this Province shall, upon his obtaining such branch, take the following oath before any one of the commissioners for regulating the pilots for the port and harbor of Charlestown, who is hereby empowered and authorized to administer the same, that is to say, "I, A B, do swear that I will, before I enter on board any ship, sloop or other vessel designed for this Province, diligently enquire of the master or commander of the same whether any plague, malignant fever, small pox, or any other contagious distemper, be on board the said vessel, or at the port from whence they last came: So help me God." And every pilot who shall refuse or neglect to take the said oath, shall not be permitted to act as a pilot.

A.D. 1747.

To enquire of contagious disorders on board vessels.

II. *And be it further enacted* by the authority aforesaid, That when any pilot shall go on board of any vessel that shall be obliged to perform quarantine, the master or commander of such vessel shall be and he is hereby obliged and required to pay to such pilot the sum of ten shillings proclamation money for every day that such pilot shall continue on board any such vessel, as a recompence for his loss of time: Provided always, that in case such master or commander can make it appear by the oath of any two credible witnesses that he acquainted such pilot that his vessel had some contagious distemper on board, before the pilot entered on board such vessel, then such pilot shall have no such recompence.

Pay of the pilots for remaining on board.

Masters giving voluntary information of contagious disorders to be exempt.

III. *And be it further enacted* by the authority aforesaid, That in case any pilot, or the master or commander of any ship or other vessel, shall refuse or neglect to do and perform all and every the matters which by them respectively are by the aforesaid Act enjoined to be done and performed, the person or persons so offending shall respectively forfeit (over and above the penaltys inflicted by the said Act) the further sum of one hundred pounds proclamation money, to be paid to the public treasurer for the time being, for the use of the public; and the said public treasurer is hereby authorized and required to sue for and recover the same, in any court of record in this Province, by action of debt, bill, plaint or information, wherein no essoin, privilege, protection or wager of law shall be allowed; and the defendant or defendants to every action which shall be brought for the recovery of any penalty which is inflicted by the said recited Act or this present Act, shall be held to special bail; any law, usage or custom to the contrary notwithstanding.

Penalty for neglect.

How recoverable.

IV. *And be it further enacted* by the authority aforesaid, That no passenger or other person whoever coming to this Province in any ship or vessel shall be permitted to come up to Charlestown until such ship or vessel has leave to pass by Johnson's Fort, as by the said Act is directed; and in case any such passenger or other person shall offend herein, he or she shall forfeit the sum of ten pounds proclamation money, to be recovered by action of debt, bill, plaint or information, in the same manner as is directed for the recovery of all sums under seventy-five pounds current money, the one half to the informer and the other half to the poor of the parish where the offence shall be committed.

No person to leave a vessel without a pass.

Penalty.

V. *And be it further enacted* by the authority aforesaid, That no vessel which shall come from any part of America, where the commander of Fort Johnson having received information of any plague, malignant fever, small pox or any other contagious distemper may be, or the master or mate of the said vessel refusing to take the oath tendered to him by the said commander of the said fort, shall be permitted to pass by Fort Johnson till some one of the physicians hereinafter mentioned, that is to say, Dr. John Lining, Dr. Thomas Dale, Dr. John Moultrie, Dr. John Martini, Dr. David Caw, or Dr. William Rind, shall have visited such vessel and certified to

Vessels coming from an infected place.

Port physicians their fees.

A. D. 1747. the commander of Fort Johnson that all persons on board the said vessel are in health ; and the physicians for visiting every such vessel as aforesaid shall be paid a fee of seven pounds and ten shillings current money, by the owners or masters of such vessel, who shall also pay for the expence of the boat to carry such physician down.

Commander of
the fort to make
signals.

VI. *And be it further enacted* by the authority aforesaid, That in all cases where vessels by this Act are directed to be visited by a physician, the commander of Fort Johnson shall immediately make a signal at the said fort, to notify that such vessel is to be visited, and one of the said physicians shall forthwith go down to visit such vessel.

Public treasurer
to prosecute.

VII. *And be it further enacted* by the authority aforesaid, That the public treasurer of this Province for the time being, shall and he is hereby enjoined and required to prosecute all persons who shall offend against the authority of this present Act; and in case the said public treasurer (after information shall be given of such offence committed) shall neglect or refuse to prosecute such offender or offenders, he shall forfeit the sum of one hundred pounds proclamation money, to be recovered by action of debt, bill, plaint or information, in any court of record in this Province, wherein no essoign, privilege, protection or wager of law shall be admitted or allowed, the one half of which forfeiture shall go to the poor of the parish of St. Philip's, Charlestown, and the other half to him or them who will inform and sue for the same.

Revival of an
Act of April 11,
1739, against
forestalling and
regrating.

VIII. *And be it further enacted* by the authority aforesaid, That an Act of the General Assembly of this Province entitled an Act for the establishing of a Market in the Parish of St. Philip's, Charlestown, and for preventing engrossing, forestalling, regrating and unjust exactions in the said town and market, passed the eleventh day of April, in the year of our Lord one thousand seven hundred and thirty-nine, be and is hereby declared to be revived, continued, and enacted to be of full force and virtue for and during and unto the full end and term of five years from and after the passing of this Act, and from thence to the end of the then next session of the General Assembly, and no longer.

Limitation of
this act 7 years.

IX. *And be it further enacted* by the authority aforesaid, That this Act shall continue of force for the term of seven years, and from thence to the end of the next session of the General Assembly, and no longer.

HENRY MIDDLETON, *Speaker.*

In the Council Chamber, the 13th day of June, 1747.

Assented to : JAMES GLEN.

A. D. 1747.

No. 753.

AN ACT to AMEND THE SIXTH PARAGRAPH OF AN ACT OF THE GENERAL ASSEMBLY OF THIS PROVINCE, INTITLED *An Act for the better governing and regulating white servants, and to repeal a former Act intituled an Act for the better governing and regulating white servants, AND TO PREVENT THE EMBEZZLEMENT OF OVERSEERS.*

WHEREAS, the forfeiture and penalty created and inflicted by the sixth paragraph of an Act of the General Assembly of this Province, intituled an Act for the better governing and regulating white servants, and to repeal a former Act intituled an Act for the better governing and regulating white servants, are only recoverable by action at law in some court of record within this Province, which method of recovery will be attended with an expence disproportioned to the smallness of the said forfeiture and penalty; we therefore pray his most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted*, by His Excellency James Glen, Esq, Governour in-chief and Captain General in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That the said forfeiture and penalty so as aforesaid created and inflicted by the sixth paragraph of the said Act, shall from henceforth be cognizable and recoverable only before one or more of his Majesty's justices assigned to keep the peace within this Province, by such methods and in such manner and form as are prescribed and directed for the recovery of small debts and damages, by an Act passed this session of Assembly, intituled an Act for the tryal of small and mean causes, and for repealing the several Acts now in force which relate to the recovery of small debts.

Penalties of the sixth paragraph of a former Act made recoverable before a justice of the peace.

II. And whereas, no adequate punishment hath been hitherto provided by law for such overseers who embezzle, waste, purloin, spoil or abuse their masters goods and chattels, *Be it therefore enacted* by the authority aforesaid, That if any overseer or manager of any plantation in this Province, after the passing of this Act, shall embezzle, purloin, or wilfully or through neglect, waste, spoil or abuse any goods or chattels committed to his trust, care or charge by his master or employer, it shall and may be lawful for such master or employer to retain in his hands twenty pounds of the wages due to such overseer or manager, and to apply to any one justice of the peace, and such justice is hereby required upon complaint thereof to him made by such master or employer, to issue his warrant, directed to any lawful constable, to apprehend such overseer or manager and bring him before such justice, who is hereby empowered and directed to examine the said cause of complaint in a summary way, according to the method and manner prescribed and appointed in and by the aforesaid Act of this General Assembly; and upon conviction of the offender by confession or other proof, or if judgment shall pass against him by default, to assess damages to the party grieved, and cause the same to be levied, in case such master or employer has not retained any of the wages of such overseer or manager in his hands, together with costs, by execution, in the same manner as in the said Act is directed for levying debts or damages recovered by virtue of that Act; and in case the party complainant shall be non-suited or his complaint be disproved, then the said justice shall award reasonable costs to the defendant, to be levied as aforesaid; provided

Overseers abusing their trust how to be proceeded against.

A. D. 1747.

always, that nothing in this Act contained shall be construed or extend to authorize any justice of the peace to award damages against the defendant beyond the sum of twenty pounds current money of this Province.

Overseer employing negroes for his own benefit to pay 10s. per day.

III. *And be it further enacted* by the authority aforesaid, That in case any overseer or manager as aforesaid shall employ upon his own account or business, any of the negroes committed to his care, by sending them of errands or in any other manner whatever, such overseer or manager shall pay the sum of ten shillings to his master or employer for every day he or they shall so employ any negro committed to his care, to be recovered as aforesaid; and the information of any of the negroes committed to the care of such overseer or manager shall be deemed sufficient proof in every such case, unless such overseer or manager will exculpate himself by oath before the justice before whom the matter shall be tried.

This Act to be published at the head of militia companies.

IV. *And be it further enacted* by the authority aforesaid, That this Act shall be published at the head of every company of the militia in this Province, Charlestown excepted, by the respective captains of such companys, within six months after the passing of the same; and every captain who shall refuse or neglect to publish this Act as aforesaid, shall forfeit the sum of five pounds, to be recovered by warrant from any of his Majesty's justices of the peace for the county where the offence shall be committed, which forfeiture shall be applied one half to the poor of the parish where the offence shall be committed and the other half to the informer.

HENRY MIDDLETON, *Speaker.*

Expired.

In the Council Chamber, the 13th day of June, 1747.

Assented to: JAMES GLEN.

- No. 754. AN ACT for giving freedom to a negro man named Arrah, late a slave belonging to Mr. Hugh Cartwright, and to confirm the freedom of all negroes and others who have been or shall be slaves to any of the inhabitants of this Province, that already have or shall hereafter having been taken, make their escape from his Majesty's enemys and return to this Province.

(Passed 13th June, 1747. *See last volume.*)

- No. 755. AN ACT for raising and granting to his Majesty the sum of fifty-two thousand eight hundred and twenty-seven pounds and five pence, and for applying the sum of two thousand six hundred and seventy-five pounds one shilling and seven pence, being the balance of several funds in the Public Treasury, making together the sum of fifty-five thousand five hundred and two pounds and two shillings, for defraying the charges of the Government for one year, commencing the twenty-fifth day of March, in the year of our Lord one thousand seven hundred and forty-six, inclusive, and ending the twenty-fifth day of March, one thousand seven hundred and forty-seven, exclusive.

(Passed June 13, 1747. *Omitted.*)

A. D. 1747.

No. 756.

AN ACT FOR ESTABLISHING THE CHAPEL AT POMPTION HILL, IN THE PARISH OF ST. THOMAS, AS A PAROCHIAL CHAPEL OF EASE FOR THE SAID PARISH FOREVER, AND FOR REPEALING SUCH PART OF THE SECOND PARAGRAPH OF AN ACT OF THE GENERAL ASSEMBLY OF THIS PROVINCE, PASSED THE EIGHTEENTH DAY OF DECEMBER, IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND EIGHT, ENTITLED *an Additional Act to an Act entitled an Act for the establishment of Religious Worship in this Province, according to the Church of England, and for the erecting of Churches for the Public Worship of God, and also for the maintenance of Ministers, and the building convenient houses for them, AS IS THEREIN MENTIONED, AND FOR APPOINTING COMMISSIONERS FOR THE BUILDING A CHAPEL OF EASE AT ECHAW, IN THE PARISH OF ST. JAMES, SANTEE.*

WHEREAS, many of the inhabitants of the parish of St. Thomas, professing the doctrine and worship of the church of England, as by law established, do reside in the neighborhood of the chapel erected at Pomption Hill, in the said parish, and the parts adjacent, where it has been customary for many years past to have divine service performed by the rector or minister of the said parish, every other Sunday, notwithstanding the same had never been established by law as a parochial chapel of ease for the said parish; we therefore humbly pray his most sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Excellency James Glen, Esq. Governour-in-chief and Captain General, in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council, and the Commons House of Assembly of the said Province, and by the authority of the same, That from and immediately after the passing of this Act, the chapel at Pomption Hill, in the parish of St. Thomas, shall be held, deemed, reputed, called, known, and taken to be the parochial chapel of ease for the said parish forever, any law, statute, usage or custom, to the contrary thereof in any wise notwithstanding.

II. And to the intent that the inhabitants of the said parish may attend divine worship in the said chapel of ease, agreeable to the church of England, as by law established, *Be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, the rector or minister of the said parish of St. Thomas, for the time being, shall be and he is hereby required and directed to celebrate divine service according to the rubrick and liturgy of the church of England, and to preach, do and perform all such sacred and ministerial offices which by him may be done and performed, at the chapel at Pomption Hill aforesaid, every third Sunday; any law, usage or custom, to the contrary notwithstanding.

III. And whereas, in and by the second paragraph of an Act of the General Assembly of this Province, passed the eighteenth day of December, in the year of our Lord one thousand seven hundred and eight, intitled an additional Act to an Act intitled an Act for the establishment of religious worship in this Province, according to the church of England, and for the erecting of churches for the public worship of God, and for the maintenance of ministers and the building convenient houses for them,

A. D. 1747. it is enacted that the French congregation of the church of St. Dennis, should be liable to the charges and parochial dutys belonging to the said church, during the time of the divine service of the said congregation being in the French language, and that for the future when the service should be performed in the English language, the said church of St. Dennis should become a chapel of ease to the said parish church of St. Thomas, which (should the last part of the said paragraph take effect) would establish two chapels of ease in the said parish of St. Thomas, *Be it therefore enacted* by the authority aforesaid, That the last part of the said paragraph, in so far as relates to the church of St. Dennis becoming a chapel of ease to the parish church of St. Thomas, be and the same is hereby declared to be repealed, annulled and void to all intents and purposes whatever, any thing contained in the said recited Act notwithstanding.

IV. And whereas, by an Act of the General Assembly intituled an Act to enable George Pawley, Daniel Laroche and William Whiteside, Esqrs. commissioners appointed for building a parish church and parsonage house in Georgetown, to carry on and compleat the same, and for repealing part of an Act intituled an Act to repeal an Act for appointing a chapel at Echaw, in the parish of St. James, Santee, and for erecting two other chapels in the same, and to provide that the rector for the time being, of the said parish, do preach and perform divine service in the English tongue, leave was given to the inhabitants of the said parish of St. James, Santee, to erect and build a new chapel at Echaw, on or near the place where the old chapel then was, and Noah Serree, Paul Bruneau and Theodore Gaillard were appointed commissioners for erecting the same; and whereas, the said Noah Serree, one of the commissioners aforesaid, has since departed this life, and the said Theodore Gaillard, another of the said commissioners, refuses to act, by which means the said Paul Bruneau, the only commissioner now left, remains without authority, and the said chapel intended to be built has as yet never been begun, *Be it therefore further enacted* by the authority aforesaid, That the number of commissioners for the purposes aforesaid be increased, and that Daniel Horry, Ralph Jerman, John Gendron, jr. and Peter Robert, be and they are hereby appointed to Act as commissioners, together with the said Paul Bruneau, for building and erecting a chapel of ease for performance of divine service at Echaw, in the parish of St. James, Santee; and the said commissioners shall be, and they are hereby invested with the same powers and authorities as by the said Act of Assembly the former commissioners were.

V. *And be it further enacted* by the authority aforesaid, That if any of the said commissioners shall dye, refuse to act or depart from this Province, it shall and may be lawfull for his Excellency the Governor, or the Commander-in-chief for the time being, to appoint one other person or persons, in the room of him or them so dying, refusing to act or departing from this Province, who shall have all and the same powers and authorities as the commissioners named in and by this Act.

HENRY MIDDLETON, *Speaker.*

the Council Chamber, the 13th day of June, 1747.

Assented to: JAMES GLEN.

St. James, Santee.

Additional commissioners appointed.

In case of death or removal, the Governor may fill the vacancy.

A. D. 1747.

No. 757.

AN ACT to nominate and appoint Commissioners of the Highways in the upper settlements of Pedee, Waccamaw and Black rivers, with power to establish Ferries at such convenient places within the several districts therein mentioned, as the majority of the Commissioners of the said respective districts shall direct, and to appoint Highway and Bridge Commissioners for Saxegotha township.

(Passed 13th June, 1747. See last volume.)

AN ACT to impower two Justices and three Freeholders, or a majority of them, to determine in all actions of debt where the matter in dispute doth exceed twenty pounds current money, which is now equal to four pounds proclamation money, and is not more than seventy-five pounds current money, which is equal to fifteen pounds proclamation money.

No. 758.

(Passed June 13th, 1747. The original not to be found. I shall copy it among the Acts relating to Courts, in the concluding volume, from a printed copy, dated Charlestown, 1747, by Peter Timothy.)

AN ACT LIMITING THE TIME FOR COMMENCING PROSECUTIONS FOR THE RECOVERY OF PENALTYS AND FORFEITURES IMPOSED BY ACTS OF THE GENERAL ASSEMBLY OF THIS PROVINCE, THE TIME NOT LIMITED BY SUCH ACTS.

No. 759.

WHEREAS, many Acts have been and may be passed by the General Assembly of this Province, imposing penaltys and forfeitures upon the offenders against such Acts, without limiting the time for commencing prosecutions against such offenders, we humbly pray your most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted*, by his Excellency James Glen, Esq., Governor in chief and Captain General in and over the Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council, and the Commons House of Assembly of the said Province, and by the authority of the same, That in all and every case where any penalty, fine or forfeiture whatever, hath been or shall hereafter be inflicted or imposed by any Act or Acts of the General Assembly of this Province, already passed or hereafter to be passed, and the time of prosecuting the offender or offenders against such Acts not thereby provided, no information, action, suit or prosecution shall be had, issued, brought or commenced against the offender or offenders against any such Act or Acts, for or in respect of any such penalty, fine or forfeiture, unless the same be done within six months after the time of passing this Act, if the offence hath been already committed, and within the like space of time after the offence committed for the future; and all and every offender and offenders against any such Act or Acts, shall not from thenceforth be subject or liable to any penalty, fine or forfeiture, which may thereby be inflicted or imposed; any law, usage or custom, to the contrary thereof in any wise notwithstanding.

Where no time is limited, all prosecutions for penalties and forfeitures must be commenced within six months after offence committed.

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This is a public
Act.

II. *And it is hereby further enacted and declared*, That this Act shall be a public Act, and all courts and magistrates in this Province are to observe the same without special pleading.

WM. BULL, Jun., *Speaker*.

In the Council Chamber, the 20th day of May, 1748.

Assented to: JAMES GLEN.

No. 760. *AN ACT* FOR STAMPING AND ISSUING THE SUM OF ONE HUNDRED AND SIX THOUSAND AND FIVE HUNDRED POUNDS, BEING THE AMOUNT OF THE PRESENT LAWFUL PAPER BILLS OF CREDIT IN THIS PROVINCE, AND FOR CALLING IN AND EXCHANGING THE PAPER BILLS OF CREDIT NOW OUTSTANDING WHICH ARE A TENDER BY LAW IN ALL PAYMENTS.

Preamble.

WHEREAS, the present lawful paper bills of credit in this Province, amounting to the sum of one hundred and six thousand and five hundred pounds now outstanding, are become old, and by passing through many hands, obliterated, torn and defaced, so that their denominations are very difficult to be distinguished, we humbly pray your most sacred Majesty that it may be enacted,

Commissioners
nominated.

I. *And be it enacted*, by his Excellency James Glenn, Esq. Governor-in-chief and Captain General, in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Honourable Council and the Commons House of Assembly of this Province, and by the authority of the same, That William Bull, junior, William Cattell, junior, David Hext, Branfill Evance, Isaac Mazyck, John Dait and William Pinckney, Esquires, be and are hereby appointed commissioners to put in execution the several powers and authorities hereinafter mentioned, and shall be sworn and enter into bond jointly and separately to the public treasurer of this Province, for the use of the public, in the penalty of three thousand pounds proclamation money, that they will duly execute the several powers given them by this Act, before they enter into the said office.

Authorized to
stamp £106,500
in bills of credit.

II. *And be it further enacted* by the authority aforesaid, That the said commissioners shall have power, and they are hereby authorized, to stamp the sum of one hundred and six thousand and five hundred pounds in bills of credit, and with such devices and signatures as they shall think fit, of the following denominations, that is to say, one thousand and seventy bills of the denomination of twenty pounds; two thousand and seven hundred bills of the denomination of ten pounds; two thousand three hundred and fifty-five bills of the denomination of five pounds; three thousand bills of the denomination of two pounds; twelve thousand five hundred and eight bills of the denomination of one pound; twelve thousand five hundred and nine bills of the denomination of ten shillings; fifteen thousand bills of the denomination of seven shillings and six pence; fifteen thousand bills of the denomination of six shillings and three pence; thirty thousand bills of the denomination of five shillings, and thirty thousand bills of the denomination of two shillings and six pence; which bills, according to their respective denominations from the twenty pounds down to the two pounds inclusive, shall be of the following tenor, that is to say,

Denomination
of sums.

Forms.

"SOUTH CAROLINA.

No. (——) *Twenty Pounds*.

"This bill shall pass current in this Province for the sum of twenty pounds, and shall be a tender in law in all payments for that sum. Dated

"the — day of — in the — year of his Majesty's reign, A. D. 1748.
 "Anno Domini one thousand seven hundred and forty —."

And the bills from one pound to two shillings and six pence inclusive, according to their respective denominations, shall be of the following tenor, that is to say,

"SOUTH CAROLINA.

"No. (—) One pound lawful money. Dated the — day
 "of — one thousand seven hundred and —."

III. *And be it further enacted* by the authority aforesaid, That when the plates are engraved for stamping the said several denominations of bills, one or other of the said commissioners shall constantly attend the press at all times when any impression of the said bills are making, and shall keep all and every the said plates in safe custody at all other times, to prevent any impressions thereof being made in the absence of the said commissioners; and when the whole number of bills as aforesaid shall be run off from the said plates, the said plates shall be obliterated or destroyed in the presence of a committee of the two houses of Assembly, at the then next meeting of the General Assembly.

IV. *And be it further enacted* by the authority aforesaid, That all the bills to be stamped and issued in virtue of this Act, shall be signed by the said commissioners in the following manner, that is to say, the said bills of the denominations of twenty pounds, ten pounds, five pounds and two pounds, shall be signed by all the said commissioners, and all the other bills shall be signed by any four of the said commissioners only; and after they are signed by the commissioners they shall be indented by the public treasurer, and the counterpart of the indenture kept on files; and each of the said bills shall be numbered, and the counterpart of each bill shall have the same number as the bill, to the intent that if it should be suspected any of the said bills are counterfeited, razed or altered, the indenture of the suspected bill may be compared with the counterpart of the bill with the same number; and the said treasurer shall be and is hereby required to lodge the files of counterparts in his office, to be produced to any person who shall desire to compare any of the aforesaid bills therewith, without fee or reward.

V. *And be it further enacted* by the authority aforesaid, That all and every the aforesaid bills of credit to be stamped and issued by virtue of this Act, shall be current in all payments for the sum of money therein mentioned, and shall be taken and deemed a good tender in law; and that in case any person or persons shall refuse to accept any of the said bills, being tendered in payment of a debt, the person or persons who shall have tendered the same may, on any action brought for the sum so tendered, give such tender, refusal, and this Act, in evidence on the general issue pleaded, which shall be taken and deemed as an absolute discharge of the said debt, and shall perpetually bar the plaintiff from recovering the sum so tendered.

VI. *And be it further enacted* by the authority aforesaid, That if any person or persons whoever shall forge, counterfeit or utter any bill or bills in imitation, likeness or similitude of any of the bills of credit directed by this Act to be stamped, signed and issued, knowing the same to be forged or counterfeited, or shall counsel, advise, procure, or in any ways assist in the counterfeiting, impressing, stamping or signing of any such bill or bills, or that shall engrave any plate or make any other instrument, knowing the same to be intended to be used in making such false or counterfeit bill or bills, that then all and every such person and persons

A commissioner always to attend the press.

When the whole number is struck off the plates to be obliterated.

The bills to be signed by all or some of the commissioners as herein specified.

To be indented with a counterpart.

These bills made current money.

Penalty on counterfeiting.

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so offending and being thereof lawfully convicted, shall be adjudged to be guilty of felony, and shall suffer the pains of death as a felon without the benefit of clergy.

The bills to be delivered to the public treasurer and exchanged for old bills.

VII. *And be it further enacted* by the authority aforesaid, That the said commissioners shall from time to time deliver such new bills as are signed and fit to be issued, to the public treasurer of this Province for the time being; and the said public treasurer shall number and exchange the said new bills for the old, and shall give public notice when the said bills are ready to be exchanged, and shall enter into a book to be kept for that purpose the name of the person bringing in any bills and the sum brought, in the presence of the party bringing in the same, and shall put the bills so brought on a file or bundle, and the said treasurer shall deliver unto the proprietors of the said old bills new bills in value equal to the old bills.

Old bills to be filed.

Old bills to be burnt.

VIII. *And be it further enacted* by the authority aforesaid, That all the old bills which shall be received by the said public treasurer and filed or bundled according to the directions of this Act, shall be by the said public treasurer burnt in the presence of a committee of Council and of the Commons House of Assembly of this Province, to be appointed for that purpose; and that after two years from the time of passing this Act, none of the paper bills of credit now outstanding shall be a lawful tender or of value to the possessors of the same.

Surplus to be applied as the Assembly shall direct.

IX. *And be it further enacted* by the authority aforesaid, That upon exchanging the new bills for the old, if it shall so happen the whole sum of one hundred and six thousand and five hundred pounds shall not be brought in old bills to be exchanged, then the said public treasurer shall, after the expence of paper, engraving and stamping the said bills are defrayed, retain the remaining part in his hands, to be applied in such manner as the General Assembly shall direct.

Pay of the commissioners and public treasurer.

X. *And be it further enacted* by the authority aforesaid, That each of the said commissioners shall be allowed for their service and trouble in attending the press and signing the said bills of credit, the sum of five hundred pounds out of the public treasury; and that the public treasurer for his trouble in numbering, indenting and exchanging the said new bills for the old bills, shall be allowed the sum of five hundred pounds out of the public treasury.

Commissioners dying or removing the Governor may fill the vacancy.

XI. *And be it further enacted* by the authority aforesaid, That in case any of the said commissioners shall refuse to act, happen to die or depart this Province, before they have executed the powers and authorities hereby given them, it shall and may be lawful for his excellency the Governor or Commander-in-chief of this Province for the time being, by and with the advice and consent of his Majesty's Honourable Council, to appoint another commissioner or commissioners in the room of him or them so refusing to act, dying or departing this Province, who shall have the same powers, authorities and advantages in proportion to the services by him or them done therein, as the commissioners appointed by this Act, to all intents and purposes whatever.

WM. BULL, Jun., *Speaker.*

In the Council Chamber, the 20th day of May, 1748.

Assented to: JAMES GLEN.

A. D. 1748.



AN ACT TO REVIVE AND CONTINUE THE SEVERAL ACTS OF THE GENERAL ASSEMBLY OF THIS PROVINCE THEREIN MENTIONED. No. 761.

WHEREAS, several wholesome and beneficial temporary Acts of the General Assembly of this Province are expired or near expiring, we therefore humbly pray your most sacred Majesty that it may be enacted, Preamble.

I. *And be it enacted*, by his Excellency James Glen, Esq., Governor-in-chief and Captain General in and over the Province of South Carolina, by and with the advice and consent of his Majesty's honorable Council and the Commons House of Assembly of this Province, and by the authority of the same, That one Act of the General Assembly of this Province entitled an Act to prevent stealing of Horses and Neat Cattle, and for the more effectual discovery and punishment of such persons as shall unlawfully brand, mark or kill the same, passed the seventh day of May, in the year of our Lord one thousand seven hundred and forty-three; and also one other Act entitled an Act for allowing Mutual Debts to be discounted, and for explaining the sixth paragraph of an Act entitled an Act for making more effectual Wills and Testaments in this Province, according to the tenor of the same, and for putting in force several useful matters herein comprised, passed the twenty-ninth day of May, in the year of our Lord one thousand seven hundred and forty-four; and also one other Act entitled an Act for regulating the making of dams or banks for reserving water, where the same may affect the propertys of other persons, passed the twenty-ninth day of May, in the year of our Lord one thousand seven hundred and forty-four; and also that such part of one other Act entitled an Act for appointing Commissioners to lay out a Road or Causeway over Lynch's Island, situate in Santee river, and for establishing the Ferrys therein mentioned, passed the eleventh day of March, in the year of our Lord one thousand seven hundred and thirty-seven, as relates to the several Ferrys which are established by the said Act—be and they are hereby declared to be revived and continued for and during and unto the full end and term of seven years after the passing of this Act, and from thence to the end of the next session of the General Assembly after, and no longer. Enumeration of Acts revived or continued.

II. *And be it further enacted* by the authority aforesaid, That such part of one other Act entitled an Act for continuing and amending of an Act entitled an Act to prevent the further spreading of the infectious distemper amongst the cattle in this Province; and for the amending and continuing such part of an Act entitled an Act for the better ordering and governing Negroes and other Slaves in this Province, as is not amended, altered or repealed by this present Act, passed the twenty-second day of March, in the year of our Lord one thousand seven hundred and forty-five, as relates to preventing the transporting of cattle to the north side of Santee river and to Edisto and St. Helena Islands—shall be and is hereby declared to be revived and continued for and during the term of two years, and no longer.

WILLIAM BULL, Jun., *Speaker.*

In the Council Chamber, the 20th day of May, 1748.

Assented to: JAMES GLEN.

A. D 1748.

No. 762. *AN ACT* FOR PROHIBITING AND PREVENTING THE EXPORTATION OF CORN, PEASE, SMALL RICE, FLOUR AND BISCUIT FROM THIS PROVINCE, FOR THE TERM THEREIN MENTIONED.

Preamble.

FORASMUCH as great quantitys of provisions, necessary for the support of the inhabitants of this Province, have of late been exported, which causes a present great scarcity of bread, flour, corn, pease and small rice, the further exportation whereof in particular, unless for a time prevented, will prove highly injurious to the said inhabitants; we therefore pray your most sacred Majesty that it may be enacted,

Penalty for exporting the prohibited provisions.

I. *And be it enacted*, by his Excellency James Glen, Esq., Captain General, Governor, and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honorable Council and the Assembly of this Province, and by the authority of the same, That for the space of three calender months from and after the passing of this Act, no corn, pease, small rice, flour or biscuit, shall be laden and exported or carried out of or beyond the bounds or limits of this Province, by any person or persons whatsoever, either by land or water, upon pain of forfeiting, for every bushel of corn or pease so exported, the sum of fifteen shillings, and for every hundred weight of flour, biscuit, or small rice, the sum of thirty shillings, current money, one moiety thereof to his Majesty, and the other moiety to such person as shall inform or sue for the same in any court of record in this Province.

Allowance to vessels outward bound.

II. *And be it further enacted* by the authority aforesaid, That it shall not be lawful for any owner, master or patroon of any vessel whatever, to take on board more than the quantity of two bushels of corn or pease, or of one hundred weight of small rice, flour or biscuit, for every person on board such vessel, to be transported coastways, from one part of this Province to another, until an entry thereof is made and a certificate procured of such entry from the comptroller of the country duties of the ports of Charlestown, Beaufort or Georgetown, and until he or they shall have made oath before the said comptroller that he or they have not any intent to carry such corn, pease, small rice, flour or biscuit, out of this Province, but that he or they shall and will do their utmost endeavour to land the same at the place proposed, on pain of forfeiting all such corn, pease, small rice, flour or biscuit, and also of the ship or vessel on board whereof the same shall be shipped or taken, to be recovered and disposed of as the penaltys hereinbefore mentioned; and the said comptroller is hereby empowered to administer such oath, and shall receive for the same the sum of five shillings current money, and no more.

Oath to be taken.

Forfeiture for disobeying this Act.

Masters of vessels outward bound to enter into bond.

III. *And the better to prevent the clandestine shipping or exporting of any of the above enumerated commoditys, It is hereby enacted*, that the commander or master of any ship or vessel that shall, after the passing of this Act, clear out at any port in this Province for any part of America, shall enter into bond with the treasurer or collector of the country duties, with one or more sufficient securitys, in the sum of two hundred pounds proclamation money, penalty, that he will not after his said clearing, at any time during his intended voyage, take on board his said ship or vessel, at any port, creek or harbour in this Province, or upon the coast thereof, any of the above enumerated commoditys, contrary to the intent and meaning of this Act; for which bond the treasurer or collector of the country duties may demand and take twenty shillings currency as a fee. Provided,

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that all suits or prosecutions for the penalty of the said bond shall be commenced within nine months after the respective date thereof, and not afterwards; and that the treasurer or comptroller or waiter shall and may, at any time within the term aforesaid, enter into and search any vessels or pettyaugers, and in case that they shall find that the owner, master or patroon have offended contrary to the true intent and meaning of this Act, then to seize such vessel or pettyauger and to secure the same until condemned or delivered by due course of law, the one moiety of which forfeiture of such vessel or pettyauger shall be to his Majesty for the use of the public of this Province, and the other moiety to him or them who will inform and sue for the same in any court of record within the same, by action of debt, suit, bill, plaint or information, wherein no essoign, privilege, protection or wager of law shall be allowed, or any more than one imparlance.

Certain officers
may search
vessels.

IV. *Provided nevertheless, and be it further enacted,* That it shall and may be lawful to and for his Excellency the Governor, with the advice and consent of any three members of his Majesty's Council, to permit any person or persons in this Province to supply the magistrates, officers, or any of the troops or inhabitants of the colony of Georgia, with any quantity of corn or other provisions; provided, the person or persons so to be supplied shall, before the loading or shipping such provisions, give bond to his Majesty in double the value of the corn or provisions intended to be laden or shipped, with one or more sufficient securitys, which suretys shall be inhabitants and residents in this Province, that such corn or provisions shall (the dangers of the seas and enemies excepted) be carried to and not exported from Georgia to any other place whatsoever; and that within six months from the date of such bond a certificate shall be produced, under the hand and seal of the principal magistrate of some port or place in Georgia, that oath has been made before them that the corn and other provisions so carried from this Province to Georgia, have been expended or consumed in Georgia, and have not been exported from thence to any other place whatever.

Exception as to
Georgia.

WM. BULL, Jun., *Speaker.*

In the Council Chamber, the 21st day of June, 1748.

Assented to: JAMES GLEN.

AN ACT FOR IMPOWERING PERSONS TO APPOINT GUARDIANS TO THEIR CHILDREN, AND FOR THE EASIER OBTAINING PARTITIONS OF LANDS IN COPARCENARY, JOINT TENANCY, AND TENANCY IN COMMON, IN THIS PROVINCE. No. 763.

WHEREAS, no provision hath hitherto been made in this Province for empowering persons to appoint guardians to their children; we there-Preamble. fore humbly pray your most sacred Majesty that it may be enacted,

I. *And be it enacted,* by his Excellency James Glen, Esq., Governor in chief and Captain General in and over the Province of South Carolina, by and with the advice and consent of his Majesty's honorable Council and the Commons House of Assembly of the said Province, and by the authority of the same, *That where any person hath or shall have any child or children under the age of one and twenty years, and not married,

Persons may
appoint guard-
ians to their
children, by
deed in their
life time or by
will at their
decease, &c.

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at the time of his death, that it shall and may be lawful to and for the father of such child or children, whether born at the time of the decease of the father, or his wife at that time shall be with child, or whether such father shall be under the age of twenty-one years, or of full age, by his deed, executed in his life time, or by his last will and testament, in writing, in the presence of two or more credible witnesses, in such manner, and from time to time as he shall respectively think fit, to dispose of the custody and tuition of such child or children for and during such time as he or they shall respectively remain under the age of one and twenty years, † to any person or persons, in possession or remainder, other than to popish recusants; and that such disposition of the custody of such child or children, made since the twenty-fifth day of March, one thousand seven hundred and thirty, or hereafter to be made, shall be good and effectual against all and every person and persons claiming the custody of such child or children, as guardian in socage or otherwise; and that such person or persons, to whom the custody of such child or children hath been or shall be so disposed or devised as aforesaid, shall and may maintain an action of ravishment of ward or trespass against any person or persons who shall wrongfully take away or detain such child or children, for the recovery of such child or children, and shall and may recover damages for the same in the said action, for the use and benefit of such child or children.

Guardians may take charge of all property belonging to children committed to their charge.

II. *And be it further enacted* by the authority aforesaid, *That all and every person and persons to whom the custody of any child or children hath been or shall be so disposed or devised, shall and may take into his or their possession, to the use of such child or children, the profits of all lands, tenements and hereditaments of such child or children, and also the custody, ‡direction and management of the goods, chattels and personal estate of such child or children, till their respective age of one and twenty years, or any lesser time, according to such disposition aforesaid, and may bring such action or actions in relation thereunto as by law a guardian in common socage might do.

How persons must proceed to obtain partition of land held in coparcenary, joint tenancy, &c.

III. And whereas, no provision hath been hitherto made for the division of lands in this Province held in coparcenary, joint tenancy, and tenancy in common, *Be it further enacted* by the authority aforesaid, That in all cases where any lands shall be given or descend to any person in coparcenary, joint tenancy or tenancy in common, (and no provision made by will or otherwise how such lands shall be divided) when and as soon as any one of the said coparceners, joint tenants or tenants in common shall be of the age of one and twenty years, he or she shall and may apply to the court of common pleas for a writ of partition, and in case he or she shall neglect so to do by the space of twelve months, then the guardian or guardians of him, her or them under age, shall be and they is and are hereby required and directed to apply to the said court of common pleas for a writ of partition, and upon any such application the said court shall issue a writ of partition directed to any five persons, whom the said court shall think fit, requiring and commanding the said persons, they being first sworn duly to execute the said writ of partition, and the said five persons shall immediately proceed to make an equal partition and division of all the said lands, either in entire tracts or in parcels, as they shall be of opin-

* Copied from 12 C. 2. c. 24.

† In the statute C. 2, the words "or any lesser time" are inserted. Q. If it is not an omission here, as the same words are introduced in the second section of this Act.

‡ The abovementioned statute of Charles 2, has the word "tuition" instead of the word "direction," here substituted.

ion will be most beneficial to the several coparceners, joint tenants or tenants in common, according to the best of their knowledge, and shall make return thereof under their hands and seals to the said court, within three months after, there to remain of record; which partition and division, so to be made, shall be final and conclusive to all partys concerned; any law, usage or custom to the contrary notwithstanding.

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WM. BULL, Jun., *Speaker.**In the Council Chamber, the 21st day of June, 1748.**Assented to: JAMES GLEN.*

AN ACT FOR REDUCING OF INTEREST FROM TEN TO EIGHT BY THE No. 764.
HUNDRED.

WHEREAS, in and by an Act of Parliament of England, intituled an Act against usury, made in the thirteenth year of the late Lady Elizabeth, Queen of England, France and Ireland, defender of the faith, and so forth, and in the year of our Lord one thousand five hundred and seventy, it was enacted and declared, that forasmuch as all usury being forbidden by the law of God, is sin and detestible, therefore all bonds, contracts and assurances, made for payment of money lent upon, or by which there should be received or taken above the rate of ten pounds for the hundred for one year, should be utterly void, and the offenders therein should be moreover punished according to the ecclesiastical laws made against usury: And whereas, in and by another Act of Parliament of England, made the twenty-first year of the reign of our late sovereign Lord, King James the first, and in the year of our Lord one thousand six hundred and twenty-three, intituled an Act against usury, in the preamble thereof reciting, that whereas, at the time of passing the said Act, there was a very great abatement in the value of land, and the merchandizes, wares and commoditys of the kingdom, and that whereas divers subjects of the kingdom, as well the gentry as merchants, farmers and tradesmen, both for their urgent and necessary occasions for the following their trades, maintenance of their stocks and employments, have borrowed and do borrow divers sums of money, wares, merchandizes, and other commoditys, but by reason of the said general fall and abatement of the value of land, and the prices of the said merchandizes, wares and commoditys, and interest on loan continuing at so high a rate as ten pounds in the hundred pounds for a year, did not only make men unable to pay their debts and continue the maintenance of their trade, but their debts daily increasing, they were enforced to sell their lands and stocks at very low rates, to forsake the use of merchandize and trade, and to give over their leases and farms, and so become unprofitable members of the commonwealth, to the great hurt and hindrance of the same, it was enacted that the rate of interest upon all contracts made after the twenty-fourth day of June, one thousand six hundred and twenty-five, should be reduced from ten to eight by the hundred, under the forfeiture of treble the value of the money, goods, wares or merchandizes lent, whereon more than eight by the hundred should be taken or reserved; and in and by the said Act, it was provided that no words therein should be construed or expounded to allow the practice of usury, in point of religion or conscience: And whereas, in and by one other Act of the Parliament of England, made in

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the twelfth year of the reign of our late sovereign Lord, King Charles the second, and in the year of our Lord one thousand six hundred and sixty, reciting in the preamble thereof, that forasmuch as the abatement of interest from ten in the hundred in former times, had been found by notable experience beneficial to the advancement of trade and improvement of lands by good husbandry, with many other considerable advantages to the nation, and further reciting, that in fresh memory the like fall from eight to six in the hundred by a late constant practice, had found the like success, to the general contentment of the nation, as was visible by several improvements; and that whereas it was then the endeavour of some persons to reduce it back again in practice, to the allowance of the statute then still in force, to eight in the hundred, to the great discouragement of ingenuity and industry in the husbandry, trade and commerce of the nation; it was thereby enacted, that no person or persons, from and after the twenty-ninth day of September, one thousand six hundred and sixty, upon any contract, should from and after the said twenty-ninth day of September, take, directly or indirectly, for the loan of any moneys, wares, merchandizes or other commoditys whatsoever, above the value of six pounds, for the forbearance of one hundred pounds for a year, under the forfeiture of treble the value of the moneys, wares, merchandizes and other things lent as aforesaid: And whereas, in and by one other Act of the parliament of Great Britain, made in the twelfth year of our late sovereign Lady Queen Ann, and in the year of our Lord one thousand seven hundred and fourteen, intituled an Act to reduce the rate of interest without any prejudice to parliamentary securitys, reciting in the preamble, that whereas, the reducing of interest to ten, and from thence to eight, and from thence to six in the hundred, had from time to time, by experience, been found very beneficial to the advancement of trade and improvement of lands: And that whereas, the heavy burthen of the late long and expensive war, had been chiefly borne by the owners of the land of that kingdom, by reason whereof they had been necessitated to contract very large debts, and thereby, and by the abatement of the value of their lands, were become greatly impoverished; and that by reason of the great interest and profit which had been made of money at home, the foreign trade of the nation had been much neglected: And that whereas, there was at that time a great abatement in the value of the merchandizes, wares and commoditys of the kingdom, and that for redress of these mischiefs, it was become absolutely necessary to reduce the high rate of interest of six pounds in the hundred pounds for a year, to a nearer proportion with the interest allowed for money in foreign states, it was thereby enacted that no person or persons whatsoever, from and after the twenty-ninth day of September, in the year of our Lord one thousand seven hundred and fourteen, upon any contract which should be made from and after the said day, should take, directly or indirectly, for loan of any moneys, wares, merchandizes or other commoditys whatsoever, above the value of five pounds, for the forbearance of one hundred pounds for one year, under the penalty of forfeiting treble the value of the money or other the commoditys so lent: And whereas, the rate of interest in most of the British colonies and plantations in America, after the example of our mother country, hath been reduced by several of the Acts of the General Assemblys of the Provinces, under ten in the hundred: And whereas, by reason of the present war with France and Spain, the price of the staple commoditys of this Province are become greatly lessened and sunk in their value, and many of the inhabitants of this Province by reason thereof, and of the abatement of the value of their lands, plantations, slaves and stocks,

and the excessive rates and prices demanded and taken for goods, wares and merchandizes imported into this Province, and the interest of money continuing in this Province so excessively high as ten in the hundred for one year, are become greatly impoverished; for redress whereof for the future, we humbly pray his most sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Excellency James Glen, Esquire, Captain General and Governor in chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honorable Council, and the Commons House of Assembly of this Province, and by the authority of the same, That no person or persons whatsoever, from and after the twenty-ninth day of September, which will be in the year of our Lord one thousand seven hundred and forty-eight, upon any contract which shall be made, from and after the said twenty-ninth day of September, shall take, directly or indirectly, for loan of any moneys, wares, merchandizes or other commoditys whatsoever, above the value of eight pounds, for the forbearance of one hundred pounds for one year, and so after that rate for a greater or lesser sum, or for a longer or shorter time, and so according to that rate and proportion for goods, wares or commoditys lent, to be repaid again in goods, wares or commoditys, or in moneys; and that all bonds, specialitys, contracts, promises and assurances whatsoever, made after the time aforesaid, for payment of any principal or money, or goods, wares or commoditys as aforesaid, to be lent, or covenanted to be performed, upon or for any usury, whereupon or whereby there shall be reserved or taken above the rate of eight pounds in the hundred, as aforesaid, and so according to that rate and proportion, if goods, wares and merchandizes or commoditys are lent as aforesaid, shall be utterly void and of none effect: And that all and every person and persons whatsoever, who after the time aforesaid, upon any contract to be made after the said twenty-ninth day of September, shall take, accept or receive, by way or means of any corrupt bargain, loan, exchange, shift or interest of any moneys, wares, merchandizes, commoditys or other thing or things whatsoever, or by any deceitful way or means, for the forbearing or giving day of payment for one whole year, or for their money or other thing, above the sum of eight pounds for the forbearing of one hundred pounds for one year, and so after that rate for a greater or lesser sum, or for a longer or shorter time, or so after that rate or proportion for other goods, wares or commoditys, where such shall be lent, contracted or agreed for, taken, accepted or received, shall forfeit and lose for every such offence, the treble value of the moneys, wares, merchandizes, commoditys or other things so lent, bargained, exchanged, shifted or taken; the one half of which forfeiture shall be to his Majesty, for the use of the public treasury of this Province, and the other half to him or them that will inform and sue for the same, to be recovered with full costs of suit, in any court of record in this Province, by action of debt, bill, plaint or information, wherein no essoign, wager of law or protection shall be allowed: Provided always, that every such action, plaint or information, shall be commenced and sued in the lender's lifetime, and within six months next after the offence committed, and at no time after.

II. And whereas, it is to be feared that wicked and evil minded persons, for the sake of lucre and unjust gain, will often exact and take greater usury and higher rates of interest from necessitous persons than is allowed by this Act, in hopes that their offence against this Act may not be discovered for want of proof, as such transactions will generally be carried on when only the borrower and lender are present together; for remedy whereof, and preventing or punishing as much as possible all usurious

A. D. 1748.

Interest reduced to 8 per cent. per annum.

Penalty of treble the amount.

To be sued for within six months.

A. D. 1748.

Borrower a
competent
witness,But not if the
defendant
purge himself
on oath.

practices for the future, *Be it further enacted* by the authority aforesaid, That in all cases whatever, after the twenty-ninth day of September, where any suit, action or information shall be brought, sued or depending, in any court of record in this Province, touching or concerning any usurious bond, specialty, contract, promise or agreement, or taking of usury or higher rates of interest than is allowed by this Act, the borrower or party to such usurious bond, specialty, contract, promise or agreement, or from whom such higher rates of interest is or shall be demanded, had or taken, shall be and is hereby declared to be a good and sufficient witness in law to give evidence of such offence against this Act; any law, usage or custom to the contrary in any wise notwithstanding. Provided always, that if the person or persons against whom such evidence is offered to be given will deny upon oath, in open court to be administered, the truth of what such evidence offers to swear against him, then such witness shall not be admitted to be sworn; and if any witness or party shall forswear himself in any such matter, he and they so doing, and being thereof lawfully convicted, shall suffer all the pains and penaltys which by the laws of Great Britain or of this Province ought to be inflicted upon persons convicted of wilful and corrupt perjury.

WM. BULL, Jun., *Speaker.**In the Council Chamber, the 21st day of June, 1748.**Assented to :* JAMES GLEN.

No. 765. AN ACT FOR BUILDING AND KEEPING IN REPAIR A PILOT BOAT TO ATTEND THE BAR OF THE HARBOUR OF BEAUFORT, PORT ROYAL, AND FOR THE BETTER SETTLING AND REGULATING THE PILOTAGE OF THE SAID HARBOUR.

Preamble.

WHEREAS, the small number of vessels trading to Beaufort, Port Royal, are not sufficient to encourage a pilot or pilots to furnish themselves with boats for the use of the harbour of the said port; and as the increase of trade must be of great advantage to all the inhabitants living in those parts, which may be discouraged for the want of pilots, we therefore humbly pray your most sacred Majesty that it may be enacted,

Commissioners
nominated.

I. *And be it enacted*, by his Excellency James Glen, Esq., Governor-in-chief and Captain General in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honourable Council and the Commons House of Assembly of this Province, and by the authority of the same, That the several persons hereafter named be, and they are hereby appointed commissioners to put the several matters in this Act directed in execution, viz: Col. Nathaniel Barnwell, Col. Thomas Wigg, Mr. John Barnwell, Mr. Charles Purry and Mr. John Smith, any three of whom are hereby declared to be a quorum, which said commissioners shall be, and they are hereby authorized, impowered and required to build a pilot boat to attend the bar of the said harbour of Beaufort, Port Royal, and to keep the same in sufficient repair, which said boat shall be delivered into the custody and care of the pilot or pilots for the said harbour, who shall obtain branches or licences in the manner hereinafter directed.

To build and
keep in repair a
pilot boat.

II. And the better to raise a fund for the purposes aforesaid, *Be it enacted* by the authority aforesaid, That the said commissioners shall be, and they are hereby authorized, impowered and required to rate and assess all and every the persons living and residing in the parishes of St. Helena, Port Royal, and Prince William, for their lands and slaves and stock in trade, in either of the said parishes, and all the settled plantations and slaves of other persons in either of the said parishes, rateably and proportionably, according to the quantity of lands and number of slaves held, owned or claimed in either of the said parishes, and the value of the stock in trade therein, which assessment shall be made and taken yearly from the returns of the inquirers and collectors of the general tax for the last preceding year; provided, that the said assessment shall not exceed the sum of eight hundred pounds the first year, and not exceeding five hundred pounds in any one year afterwards.

A. D. 1748.

To assess the inhabitants.

III. *And be it further enacted* by the authority aforesaid, That in case any person or persons shall on due notice given in the Gazette, neglect or refuse to pay his, her or their part or proportion of such assessment to the said commissioners, then the said commissioners or a quorum of them shall, and they are hereby impowered and required to issue a warrant of distress under their hands and seals against such defaulter or defaulters, for the same, directed to any lawful constable where such defaulter lives or resides.

Warrant of distress may be issued.

IV. *And be it further enacted* by the authority aforesaid, That the said commissioners or any three of them shall be and they are hereby impowered and required to nominate and appoint such fit and competent person or persons to act as pilot or pilots for the conducting vessels inward to or outward from the said port of Beaufort as they shall judge proper; and every master or skipper of any ship or vessel, for the consideration of the pilotage of such ship or vessel inward to or outward from the said port, shall pay unto the licenced pilot who shall take charge of the same the following rates, that is to say, for six feet of water or under, inward or outward, three pounds and fifteen shillings; for seven feet, five pounds; for eight feet, six pounds and five shillings; for nine feet, seven pounds and ten shillings; for ten feet, eight pounds and fifteen shillings; for eleven feet, ten pounds; for twelve feet, eleven pounds and five shillings; for twelve feet and an half, twelve pounds and ten shillings; for thirteen feet, thirteen pounds and fifteen shillings; for thirteen feet and an half, fifteen pounds; for fourteen feet, sixteen pounds and five shillings; for fourteen feet and an half, seventeen pounds and ten shillings; for fifteen feet, eighteen pounds and fifteen shillings; for sixteen feet, twenty-five pounds; for seventeen feet, thirty-one pounds and five shillings; for eighteen feet, thirty-seven pounds and ten shillings; for nineteen feet, forty-five pounds; for twenty feet, sixty-five pounds and fifteen shillings, current money of this Province; provided, that no decked periauga or coasting boat shall be obliged to pay any pilotage that are coming or going coastways.

Commissioners to appoint pilots.

Fees of pilotage.

V. *And be it further enacted* by the authority aforesaid, That in case any of the said commissioners shall happen to dye, depart this Province, or refuse to act, then his Excellency the Governor or the Commander-in-chief of this Province shall have power to nominate and appoint another commissioner in the room of him that shall so dye, depart this Province or refuse to act; and such commissioner so appointed shall have the same powers and authorities in all respects as those particularly named in this act; and the said commissioners shall once in two years, or oftener if required, transmit a just and true account upon oath to the General

Commissioners dying or removing.

A.D. 1748. *Assembly of all the moneys by them collected and expended in virtue of this Act.*

General issue
may be pleaded
and this Act
given in
evidence.

VI. *And be it further enacted* by the authority aforesaid, That if any of the said commissioners or any other person shall be sued or prosecuted for any matter or thing done in pursuance of the directions of this Act, then he or they so sued or prosecuted shall and may plead the general issue and give this Act and the special matter in evidence in the court where such suit or prosecution shall or may be brought or commenced.

Powder duty.

VII. *And be it further enacted* by the authority aforesaid, That all ships and vessels which shall go to the port of Beaufort from any port (except Charlestown and Georgetown,) shall be liable to pay the same powder duty as ships and vessels that come to Charlestown, which shall be paid to such person as the powder receiver in Charlestown shall depute and appoint to receive the same.

Limitation five
years.

VIII. *And be it further enacted* by the authority aforesaid, That this Act shall be of force for the term of five years, and from thence to the end of the next session of the General Assembly, and no longer.

WM. BULL, Jun., *Speaker.*

In the Council Chamber, the 29th day of June, 1748.

Assented to : JAMES GLEN.

No. 766. AN ACT for establishing a ferry over Cooper's river, from the plantation of Henry Gray in Christ Church parish to Charlestown, and for vesting the said ferry in the said Henry Gray, his executors, administrators and assigns, for the term of seven years; and for settling the rates of ferriage at the ferry established over the western branch of the said Cooper river, at a place commonly called the Strawberry, and for vesting the said ferry in Lidia Ball, her executors, administrators and assigns, for the term of seven years; and for building a bridge over Black river, at or near a place called the King's Tree, in the parish of Prince Frederick.

(Passed 29th June, 1748. *See last volume.*)

No. 767. AN ACT for raising and granting to his Majesty the sum of fifty-nine thousand four hundred and forty-seven pounds eighteen shillings and three pence one farthing, for defraying the charges of the Government for one year, commencing the twenty-fifth day of March, in the year of our Lord one thousand seven hundred and forty-seven, inclusive, and ending the twenty-fifth day of March, one thousand seven hundred and forty-eight, exclusive.

(Passed 29th June, 1748. *Omitted.*)

A. D. 1749.

(The following is copied from Grimké, the original being lost.)

AN ACT FOR REGULATING THE ASSIZE OF BREAD.

No. 768.

WHEREAS, no Act of Assembly of this Province hath hitherto been made and provided, for regulating the price and assize of bread, whereby little or no observance hath been made either of the due assize or reasonable price of bread made for sale within the same, and covetous and evil-disposed persons, taking advantage thereof, have, for their own gain and lucre, deceived and oppressed his Majesty's subjects, and more especially the poorer sort of people; for remedy whereof for the future, and that a plain and constant rule and method may henceforward be duly observed and kept, in the making and assizing the several sorts of bread made for sale within this Province, and hereinafter mentioned;

I. *Therefore be it enacted*, That from and after the expiration of thirty days next, ensuing the day of the passing of this Act, no person or persons whatsoever, shall make for sale, or sell or expose to sale within this Province, any sort or sorts of soft bread made of wheat, other than the several sorts hereinafter mentioned, that is to say, white, wheaten and household bread; all which several sorts of soft bread, shall be made in their several and respective degrees, according to the goodness and fineness of the several sorts of flour whereof the same ought to be made; and when fine wheat flour is ordinarily sold for money at Charlestown at any of the rates hereafter mentioned, the assize and weight of the said white, wheaten and household bread respectively, are and shall be set and ascertained according to the following table in averdupois weight, and so proportionably when fine flour shall be ordinarily sold at Charlestown for more or less money than is specified in the said table, wherein the white loaves shall always be one half and the wheaten three quarters of the weight of household loaves.

Preamble.

No other bread shall be made for sale than is by this Act allowed.

A. D. 1749.

PRICE of fine Flour, at Charlestown, by the hundred or five score pounds, in current money.

A TABLE OF THE ASSIZE OF BREAD,

In Pounds, Ounces and Drachms, Averdupoise Weight.

£. s. d.	7d. half-penny Loaf or Roll.			Fifteen Penny Loaf.			Half Crown Loaf.			Crown Loaf.		
	White.	Wheat.	Houshd.	White.	Wheat.	Houshd.	White.	Wheat.	Houshd.	White.	Wheat.	Houshd.
lb. oz. dr.	lb. oz. dr.	lb. oz. dr.	lb. oz. dr.	lb. oz. dr.	lb. oz. dr.	lb. oz. dr.	lb. oz. dr.	lb. oz. dr.	lb. oz. dr.	lb. oz. dr.	lb. oz. dr.	lb. oz. dr.
2 0 0 1	0	8 1	8 12	2	1	0 2	1	0 3	1	0 4	2	0 4
2 0 0 1	0	8 1	8 12	2	1	0 2	1	0 3	1	0 4	2	0 4
2 5 0 0	15	10 1	7 7	4	15	4 4	14	8 5	14	8 5	13	12
2 10 0 0	14	12 1	6 2	1	13	8 1	13	8 4	11	0 5	8	8
2 15 0 0	13	14 1	4 13	1	11	12 1	9	10	7	8 3	7	8
3 0 0 0	13	0	1 3	1	10	0 1	10	8 2	7	0	3	3
3 5 0 0	12	4 1	2 6	1	9	8 1	8	2 2	4	12	8	4
3 10 0 0	11	8 1	1 4	1	7	0 1	7	0 2	2	14	6	5
3 15 0 0	10	12 1	0 4	1	5	8 1	5	8 2	0	4	2	11
4 0 0 0	10	0	15 0	1	4	0 1	4	0 1	14	0	0	0
4 5 0 0	9	8 0	14 4	1	3	0 1	3	0 1	12	8	2	6
4 10 0 0	9	0	13 8	1	2	0 1	2	0 1	11	0	0	8
4 15 0 0	8	8 0	12 12	1	1	0 1	1	9	8	2	2	4
5 0 0 0	8	0	12 0	1	0	0 1	0	1	8	0	2	0
5 5 0 0	7	12 0	11 10	0	15	8 0	15	8 1	0 1	13	0 1	15
5 10 0 0	7	8 0	11 4	0	15	0 0	15	0 1	6	8	1	14
5 15 0 0	7	4 0	10 14	0	14	8 0	14	8 1	5	12	1	13
6 0 0 0	7	0	10 8	0	14	0 0	14	0 1	5	0	1	12
6 5 0 0	6	14 0	10 5	0	13	12 0	13	12 1	4	10	1	11
6 10 0 0	6	12 0	10 2	0	13	8 0	13	8 1	4	4	1	11
6 15 0 0	6	10 9	9 15	0	13	4 0	13	4 1	3	14	1	10
7 0 0 0	6	8 0	9 12	0	13	0 0	13	0 1	3	0	1	12
7 5 0 0	6	7 0	9 10	0	12	14 0	13	0 1	3	8	1	13
7 10 0 0	6	6 0	9 9	0	12	12 0	12	1	3	2	1	9
7 15 0 0	6	5 0	9 7	0	12	10 0	12	1	2	15	1	9
7 20 0 0	6	4 0	9 6	0	12	10 0	12	1	2	15	1	9
7 25 0 0	6	3 0	9 5	0	12	10 0	12	1	2	15	1	9
7 30 0 0	6	2 0	9 4	0	12	10 0	12	1	2	15	1	9
7 35 0 0	6	1 0	9 3	0	12	10 0	12	1	2	15	1	9
7 40 0 0	6	0 0	9 2	0	12	10 0	12	1	2	15	1	9
7 45 0 0	6	0 0	9 1	0	12	10 0	12	1	2	15	1	9
7 50 0 0	6	0 0	9 0	0	12	10 0	12	1	2	15	1	9
7 55 0 0	6	0 0	9 0	0	12	10 0	12	1	2	15	1	9
7 60 0 0	6	0 0	9 0	0	12	10 0	12	1	2	15	1	9
7 65 0 0	6	0 0	9 0	0	12	10 0	12	1	2	15	1	9
7 70 0 0	6	0 0	9 0	0	12	10 0	12	1	2	15	1	9
7 75 0 0	6	0 0	9 0	0	12	10 0	12	1	2	15	1	9
7 80 0 0	6	0 0	9 0	0	12	10 0	12	1	2	15	1	9
7 85 0 0	6	0 0	9 0	0	12	10 0	12	1	2	15	1	9
7 90 0 0	6	0 0	9 0	0	12	10 0	12	1	2	15	1	9
7 95 0 0	6	0 0	9 0	0	12	10 0	12	1	2	15	1	9
7 100 0 0	6	0 0	9 0	0	12	10 0	12	1	2	15	1	9

II. *Obsolete.*

A. D. 1749.

III. And to the intent that the good design of this Act may be effectually complied with, *Be it further enacted*, That every common baker and other person who shall make or bake for sale, or any ways expose to sale, any of the sorts of bread hereinbefore mentioned, shall, from and after the expiration of the said thirty days next ensuing the passing of this Act, fairly imprint or mark, or cause to be fairly imprinted or marked, on every loaf, so by him or her made or exposed to sale, the price of such loaf, together with the initial letters of the name of the baker thereof, whereby the said baker and price of such bread may be distinctly known; and if any baker or bakers, or other person or persons, baking or making such bread for sale and exposing the same to sale, shall not observe the assize ascertained by virtue of this Act, or shall bake or make for sale, or sell or expose to sale, any soft white, wheaten or household bread, wanting the due weight, or that shall not be marked according to the direction of this Act, or shall in any sort or way break or infringe any of the matters or things appointed by the same, he, she or they so doing, being thereof convicted by the confession of the party, or by the oath of one or more credible witness or witnesses, before one or more justice or justices of the peace for the county wherein the offence shall be committed, shall for every such offence forfeit the sum of twenty shillings proclamation money, to be levied by way of distress, upon the goods and chattels of every such offender, by warrant from the said justice or justices before whom such conviction shall be made, which forfeiture shall be for the use of and given to the informer and informers.

Bakers to imprint on each loaf the initial letters of their names, & price of such loaf.

Forfeiture on neglecting the directions of this Act.

IV. And if any baker or seller of bread, in this Act mentioned, shall put into any such bread by him or her sold or exposed to sale, any mixture of any other grain than what shall be absolutely necessary for the well making or baking thereof, to be judged of by the justice or justices trying and examining the same, every such person so offending shall for every such offence forfeit all such bread so fraudulently mixed, for the use of the poor of the parish where the offence shall be committed, and also the sum of 20s. proclamation money, for the use of the informer or informers; to be had and recovered in the manner and form hereinbefore mentioned. Provided always, that no person shall be convicted in manner aforesaid, for any of the before mentioned offences, unless the prosecution in order to such conviction be commenced in three days next after the offence committed.

Bread made of a fraudulent mixture to be forfeited, and the maker to pay a penalty of 20s. to the informer.

V. And that the good design of this Act may be the more effectually accomplished, *Be it further enacted*, That it shall and may be lawful to and for any one or more justice or justices of the peace, within their respective counties, at all times hereafter, in the day-time, to enter into any house, shop, stall, bake-house, ware-house, or out-house, of or belonging to any baker or seller of bread, there to search for, view, weigh, and try all or any of the bread mentioned in this Act, of such person, or which shall there be found; and if any such bread shall be found wanting either in the goodness of the materials whereof the same should be made, or be deficient in the due baking or working thereof, or shall be wanting in the due weight, or shall not be truly marked according to the directions of this Act, or shall be mixed with any other grain, or of any other sort than is allowed by virtue of this Act, then and in every such case, it shall and may be lawful to and for such justice or justices of the peace, to seize and take the said bread so found, and cause the same to be forthwith given and distributed to the poor of the parish where such seizure shall be made. And if any baker or seller of bread, or other person or persons, shall not

Justices may seize all bread not made according to the directions of this Act.

A. D. 1749.

permit or suffer such search or seizure to be made, or shall oppose, hinder, or resist the same, he, she or they so doing, shall for every such offence forfeit the sum of £4 proclamation money aforesaid, to the use of the poor of the parish where the offence shall be committed, to be had and recovered in the summary manner and form herein before first mentioned.

Persons convicted of offences against this Act may appeal, &c.

VI. *Provided*, That if any person convicted of any offence against this Act, shall think him or herself aggrieved, he or she shall or may immediately, or within three days after such conviction, make his or her appeal in writing to any three justices of the peace for the parish or county where such conviction shall be made, by whom the same shall be heard and finally determined, within ten days after such appeal made; and if the said person so appealing, shall not make good his or her appeal, or prosecute it with effect, the said justices shall award such costs as they shall think reasonable to the prosecutor or informer, and commit the offender to the common goal until he or she shall make payment of the said costs, and also of the penalty adjudged on the conviction to the informer; but in case the said appellant shall make good his or her appeal, and be discharged of his or her said conviction, the like reasonable costs shall be awarded to the appellant against such informer, who should in case of conviction have been entitled to the said penalty, to be recovered as aforesaid.

Persons sued, executing this Act, may plead the general issue.

VII. If any action or suit shall be commenced or brought against any person or persons whatsoever, for doing or causing to be done any thing in pursuance or execution of this Act, or relating thereto, the defendant in every such action or suit may plead the general issue, and give the special matter and this Act in evidence; and if the plaintiff be nonsuited or discontinue his action, or a verdict be given against him, or judgment be otherwise given for the defendant, every such defendant shall have and be allowed his double costs. *Provided*, that no person punished by virtue of this Act, shall be for the same offence prosecuted by any other law, statute, usage or custom whatsoever.

ANDREW RUTLEDGE, *Speaker &c.*

In the Council Chamber, the 16th day of March, 1749.

Assented to: JAMES GLEN.

Made perpetual by A. A. 1783.

No. 769. AN ACT TO PREVENT FRAUDS IN MAKING, PACKING AND EXPORTING INDIGO.

Preamble.
Reciting an act of Parliament.

WHEREAS, in and by an Act of the Parliament of Great Britain, made and passed in the twenty-first year of his present Majesty's reign, entitled an Act for encouraging the making of Indigo in the British plantations in America, it is among other things enacted, in order to entitle the importer of Indigo to the premium granted by the said Act, as well as to prevent frauds by importing foreign plantation made indigo, or any false mixtures in what is made in the British plantations, with a view of recovering the premium, that all and every person or persons, merchant, trader, or factor, loading any indigo on board any ship or vessel, in any of the British colonies or plantations in America, shall, before the clearing out of the said ship for any port in Great Britain, produce to the Governor, Lieutenant Governor, collector and comptroller of the customs, and naval officer, or any two of them, a certificate or certificates, signed and sworn to

before any justice of the peace in the said British colonys or plantations, by the planter or planters of the said indigo, or his or their known agent or factor, that a quantity of indigo, expressing the weight thereof, had been sent from the said planter's indigo works or plantation, where the same was made, in order to be shipped off or sold by him to the person or persons therein named, and was of the growth and produce of the said planter's plantation, which said certificate or certificates shall be attested by the said justice of the peace to have been signed and sworn to in his presence; and also that the person or persons, merchant, trader or factor, shall, at the time of his producing such certificate, sign also a certificate before the said Governor, Lieutenant Governor, collector and comptroller of the customs, and naval officer, or any two of them, that the indigo which he or they have shipped on board the said ship or vessel is the same mentioned in the said certificate or certificates. And whereas, it greatly concerns the interest of this Province to promote and secure the good intentions of the said British Act, and to discourage the adulteration of indigo of the growth of this Province, and by the most effectual means to prevent all manner of fraudulent practices in the making, packing and exporting of that commodity; we therefore humbly pray his most sacred Majesty that it may be enacted,

A. D. 1749.

I. *And be it enacted*, by his Excellency James Glen, Esquire, Captain-General, Governour, and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council and the Commons House of Assembly of the said Province, and by the authority of the same, That from and immediately after the passing of this Act if any person or persons shall take a false oath before any justice of the peace in this Province, in order to procure his attestation of such certificate or certificates of the growth of indigo, hereinbefore mentioned, all and every such person and persons shall be deemed and adjudged guilty and shall suffer the pains and penaltys of wilful and corrupt perjury.

Taking a false oath to procure attestation to a certificate is perjury.

II. *And be it further enacted* by the authority aforesaid, That every merchant, trader, factor or other person, who shall hereafter produce to the officers by the said Act of Parliament for that purpose appointed, any certificate of the planter's oath, attested by any justice of the peace, shall be obliged, and they are hereby obliged and required, to take a solemn oath before the said officers, or any two of them, that the indigo mentioned in the certificate which the said Act requires to be signed by such merchant, trader, factor, or other person, is, to the best of his knowledge and belief, the same indigo contained in the said attested certificate of the planter's oath, and that no other indigo is mixed therewith; and every merchant, trader, factor or other person who shall be guilty of any fraud in signing or swearing to such certificate, or who shall neglect or refuse to take such oath as aforesaid, shall forfeit the sum of one hundred pounds proclamation money of America, to be recovered as hereinafter is directed.

Oath to be taken on producing a certificate.

III. *And be it further enacted* by the authority aforesaid, That if any person, in the making of indigo, shall mix therewith any clay, dirt, slate, ashes or other heterogeneous substance, with a fraudulent intent to increase the weight thereof, such indigo shall be destroyed by the comptroller of the country dutys and the public treasurer, and the offender shall be liable to be indicted for every such offence, and on conviction shall suffer three months imprisonment without bail or mainprize.

Penalty for mixing any dirt, &c. with indigo.

IV. *And be it further enacted* by the authority aforesaid, That the several penaltys and forfeitures by this Act imposed shall and may be

A. D. 1749.

Suit to be commenced in six months.

prosecuted, determined and recovered by bill, plaint or information, in any court of record in this Province, wherein no essoign, protection, wager of law, or more than one imparlance, shall be allowed. And the said penaltys and forfeitures shall be applied, one moiety to his Majesty for the public use of this Government, and the other moiety to the informer or prosecutor. Provided always, that every suit for the recovery of any penalty or forfeiture hereby inflicted shall be commenced within six months after the same shall be incurred, and not afterwards.

V. *And it is hereby further enacted*, That this Act and all the clauses and provisions therein contained shall be and continue in force during the continuance of the aforesaid Act of the British Parliament, and no longer.

WM. BULL, Jun., *Speaker*.

In the Council Chamber, the 1st day of June, 1749.

Assented to: JAMES GLEN.

- No. 770. AN ACT for raising and granting to his Majesty the sum of forty-eight thousand four hundred and eight pounds one shilling and two pence, and applying the sum of three thousand five hundred and thirty-six pounds fifteen shilling and four pence, (being the balance in the fund appropriated for paying the salaries of the Clergy) making together the sum of fifty-one thousand nine hundred and forty-four pounds sixteen shillings and six pence, for defraying the charges of the Government for one year, commencing the twenty-fifth day of March, in the year of our Lord one thousand seven hundred and forty-eight, inclusive, and ending the twenty-fifth day of March, one thousand seven hundred and forty-nine, exclusive. And for discharging one moiety of the debt incurred for the defence of the Coasts and protection of the Trade of this Province.

(Passed June 1, 1749. *Omitted*.)

- No. 771. AN ACT TO PREVENT THE SPREADING OF INFECTIOUS AND CONTAGIOUS DISTEMPERS IN CHARLESTOWN.

Preamble.

WHEREAS, the harbouring and entertaining of great numbers of sick sailors and others, sent on shore either from his Majesty's ships of war or from merchant ships, in the several little punch houses, in the most crowded and confined parts of Charlestown, hath proved very offensive and injurious to many of the inhabitants of the said town, who either dwell in the neighbourhood or are obliged to pass that way on their proper business, by reason of the noisome smells emitted from the said houses; and whereas, the bad attendance, nursing, provisions and accommodations those miserable objects generally find in such sort of lodgings, and the great mortality amongst them consequent thereupon, must necessarily tend to propagate and increase all infectious, contagious and malignant diseases, as well such as may be brought in from other places as also those which may arise from a particular constitution of the air in this place, which epidemic distempers have often proved greatly detrimental to the trade and commerce of this Province, as well as highly destructive of the lives of

many of its inhabitants and the generality of new comers; for remedy and prevention whereof for the future, we humbly pray his most sacred Majesty that it may be enacted;

A. D. 1749.

I. *And be it enacted*, by his Excellency James Glen, Esq., Captain General, Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honorable Council, and the Commons House of Assembly of the said Province, and by the authority of the same, That immediately from and after the passing of this Act, the churchwardens and vestry of the parish of St. Philip, Charlestown, shall procure or hire some convenient house, in an open and airy place, and at a proper distance from the body of Charlestown, which house shall be deemed and taken to be a public hospital for all sick sailors and other transient persons, and shall be subject to such regulations and directions as the said churchwardens and vestry shall find necessary, and that the same be committed to the care and management of some sober, prudent and discreet matron, who shall have under her such assistant nurses, servants and others, as the necessity of the times may require.

A public hospital to be provided.

A matron to be appointed.

II. And that the said hospital may be as little burthensome and expensive to the said parish as possible, *Be it further enacted* by the authority aforesaid, That the necessary and reasonable charges and expences of all such sick sailors as shall belong to any merchant ships, shall be paid and defrayed by the masters and commanders of such ships respectively; and in case they shall neglect or refuse to pay the same, that then the said churchwardens for the time being, shall have power, and they are hereby empowered, to sue for and recover the same from all such persons as shall be security for such ship or ships, vessel or vessels respectively, in the Secretary's office, which persons so being security in the Secretary's office are hereby declared to be subject and liable to pay the same in case of refusal or neglect by the captains, as aforesaid. And all seamen, mariners and others, who shall be sent sick on shore from any of his Majesty's ships, sloops, or other vessels of war, shall be lodged, nursed and attended in the said public hospital, and in no other house whatever, and the necessary and reasonable charges and expences thereof shall be paid and defrayed by the several captains, masters or commanders of such ships, sloops or other vessels of war, respectively. And to prevent as much as may be any disputes or cavils that may arise, the said captains, masters or commanders shall, before such sick sailors or others be put on shore and received into the said hospital, give such security as the said churchwardens shall require for the payment of the said charges and expences.

Expences of sick sailors to be defrayed by the masters of vessels.

All seamen sent on shore sick shall be sent to the hospital.

III. And that no person or persons may suffer or be lost for want of necessary and timely assistance and relief, *It is hereby further enacted*, That all necessitous and transient persons, seized with such infectious disorder, shall, in all times of a general and epidemic sickness, be provided for, attended and nursed in the said public hospital, and the charges and expences thereof shall be defrayed by the public.

Indigent sick persons to be admitted to the hospital.

IV. *And be it further enacted* by the authority aforesaid, That all and every the commanders of ships or vessels of war, or merchant vessels, who shall put or permit or suffer any of their sick seamen or others to be put on shore in Charlestown, contrary to the regulations of this Act, shall for every such offence forfeit the sum of one hundred pounds current money, to the churchwardens of the said parish, for the use of the said hospital; and all and singular the housekeepers of Charlestown are hereby strictly prohibited to entertain such sick seamen or others, under the like penalty, to be applied as aforesaid.

Forfeiture for breach of the regulations of this Act.

A. D. 1749.

Housekeepers
to give notice
of sick persons.

V. *And it is hereby further enacted*, That every housekeeper in Charlestown with whom any seaman shall be taken sick while on shore, shall give immediate notice thereof to the churchwardens, to the end that such sick seamen may be forthwith removed into the said public hospital; and every housekeeper who shall fail or neglect to give such early notice as aforesaid, shall forfeit for every such neglect the sum of one hundred pounds current money, to be recovered by the churchwardens of the said parish for the time being, for the use of the said hospital.

Expenses and
fines how to be
recovered.

VI. *And be it further enacted* by the authority aforesaid, That all allowances, charges and expences that shall be incurred for the care or burial of persons received in the said hospital, pursuant to the directions of this Act, as also all fines, forfeitures and penaltys by this present Act inflicted, exceeding twenty pounds current money, shall be recovered by action of debt, bill, plaint or information, in any of his Majesty's courts of record in this Province, in which no protection, privilege, essoign, or wager of law, or any more than one imparlance, shall be admitted or allowed; and all sums not exceeding twenty pounds current money, shall and may be recovered pursuant to the directions of the Act for the trial of small and mean causes. All which allowances, fines, forfeitures and penaltys, when recovered and received, shall be paid to the churchwardens of the said parish for the time being, for the several uses, intents and purposes intended to be provided for by this Act, and none other.

General issue
may be plead-
ed and this Act
given in evi-
dence.

VII. *And be it further enacted* by the authority aforesaid, That in case the said churchwardens or any other person shall be sued or prosecuted for any matter or thing done or to be done in pursuance of the directions of this Act, it shall and may be lawful to and for such churchwardens or other persons to plead the general issue and give this Act and the special matter in evidence.

Limitation, two
years.

VIII. *Provided always, and be it further enacted* by the authority aforesaid, That this Act and every matter and thing herein contained shall be and continue of force for and during the term of two years, and from thence to the end of the next session of the General Assembly, and no longer.

WM. BULL, Jun., *Speaker*.*In the Council Chamber, the 1st day of June, 1749.**Assented to:* JAMES GLEN.

No. 772. **AN ORDINANCE** FOR APPOINTING A COMPTROLLER OF THE COUNTRY DUTIES AND TREASURER FOR THE PORT OF GEORGETOWN, WINYAW, AND A COMPTROLLER OF THE COUNTRY DUTIES AND TREASURER FOR THE PORT OF BEAUFORT, PORT ROYAL.

WHEREAS, it is necessary that a comptroller of the country duties and treasurer for the port of Georgetown, Winyaw, and a comptroller of the country duties and treasurer for the port of Beaufort, Port Royal, should be appointed,

I. *Be it therefore ordained*, by his Excellency James Glen, Esq. Governor, and his Majesty's honorable Council, and the Commons House of Assembly, now met at Charlestown in general assembly, and by the authority of the same, That Isaac Trapier be comptroller of the country duties and

Daniel Laroche be treasurer for the port of Georgetown, Winyaw; and that George Livingston be comptroller of the country duties and John Hutchinson be treasurer for the port of Beaufort, Port Royal; and they, the said Isaac Trapier, Daniel Laroche, George Livingston and John Hutchinson, respectively, shall have the same powers and authorities, to all intents and purposes whatever, for collecting and receiving the several duties, and to transact, do and perform any other act, matter and thing relating to their several offices in the said ports respectively, as the comptroller of the country duties and public treasurer in the port of Charlestown have by the laws of this Province, and shall be entitled to and receive (except commissions which are hereinafter provided for) the same fees, perquisites and profits, and be subject to the same pains and penalties, as the said comptroller and public treasurer in Charlestown are entitled and subject and liable unto.

A. D. 1749.

II. *Provided always nevertheless, and be it further ordained* by the authority aforesaid, That the treasurers for the said ports respectively, in consideration that their receipts will be but small, shall be allowed five per centum commissions for their trouble in receiving and paying the said duties over to the public treasurer in Charlestown.

WM. BULL, Jun., *Speaker.*

In the Council Chamber, the 1st day of June, 1749.

Assented to : JAMES GLEN.

AN ORDINANCE for appointing James Grockalt, Esq. Agent to No. 773.
solicit the affairs of this Province in Great Britain.

(Passed June 1, 1749. The original not now to be found.)

AN ACT for vesting the Ferry established over Stono river, at the place where the bridge stood, in Thomas Rose and Francis Rose, their executors, administrators and assigns, in trust for the use of the children of Henry Williamson, deceased, for the term of seven years; and for suspending the power of the commissioners for building a Bridge at the said place during the said term; and for ascertaining the boundaries of the district liable to work on the cut commonly called Newtown cut; and for appointing commissioners to build a Bridge over Coosawhatchie creek, lying between the parishes of St. Helena and Prince William, and for keeping the same in repair.

No. 774.

(Passed May 31, 1750. *See last volume.*)

AN ACT for keeping the Streets in Charlestown clean, and establishing such other regulations for the security, health and convenience of the inhabitants of the said town as are therein mentioned, and for establishing a new market in the said town.

No. 775.

(Passed May 31, 1750. *See last volume.*)

A. D. 1750.

No. 776. AN ACT for establishing a Ferry over Santee river, in the parish of St. James, Santee, from the plantation commonly called Courage's plantation, on the north side of the said river, to the place commonly called Jonathan Skrine's, on the south side of the said river, and for vesting the said Ferry in Alexander Dupont, his executors, administrators and assigns, for the term of seven years; and for appointing commissioners of the public road leading from the plantation late of William Watson, deceased, in Christ Church parish, commonly called Hobcaw, to the high road leading to church in the said parish.

(Passed May 31, 1750. *See last volume.*)

No. 777. AN ACT for the erecting and supporting of a Beacon near the bar and harbour of Charlestown, and for placing buoys on or near the said bar, for the use of ships and other vessels coming to the port of Charlestown.

(Passed May 31, 1750. *See last volume.*)

No. 778. AN ACT for vesting the Ferry over Ashley river in Edmund Bellinger and George Bellinger, Esqs., their executors, administrators and assigns, for seven years, in trust for and to the use and appointment of Mrs. Elizabeth Elliot, wife of Thomas Elliot, Esq.

(Passed May 31, 1750. *See last volume.*)

No. 779. AN Additional ACT TO THE ACTS OF THE GENERAL ASSEMBLY OF THIS PROVINCE CONCERNING INSOLVENT DEBTORS, AND FOR THE CONTINUANCE OF THE SAID ACTS.

Preamble.

WHEREAS, by an Act of the General Assembly of this Province, passed on the twenty-fifth day of May, in the year of our Lord one thousand seven hundred and forty-five, intituled an additional and explanatory Act to an Act of the General Assembly of this Province, intituled an Act for the more effectual relief of insolvent debtors, and for that purpose putting in force and effectually carrying into execution in this Province such part of an Act made in the Parliament of Great Britain in the second year of his present Majesty's reign, intituled an Act for the relief of debtors, with respect to the imprisonment of their persons, as is thereafter mentioned, it is provided that when any person is sued, impleaded or arrested, for any debt, duty, cause or matter, (except as is therein excepted,) upon such persons assigning over his real estate, goods and effects, to some of his creditors in trust, for the suitors, and for such other of his creditors as shall be willing to receive a dividend of the estate real and personal of such prisoner, and who within a twelvemonth shall make their demands, agreeable to the said Acts, the person so sued and so assigning his estate shall only be

A. D. 1750.

discharged against the demands of such creditors as shall be willing to receive a dividend of the said petitioner's assigned estate, agreeable to the said Acts: And whereas, many creditors of the person so sued and petitioning for his or her discharge, may not be inclined to accept a dividend of such petitioner's estate, but will rather wait in hopes of receiving some fuller satisfaction from the said petitioner's future better fortune; but inasmuch as the said creditors, by note, book account or contract, who through indulgence or better expectation may delay their suits against such petitioners, may become barred by the Act of limitations of this Province; we therefore pray his most sacred Majesty that it may be enacted,

I. *And it is hereby accordingly enacted*, by His Excellency James Glen, Esq., Captain General, Governor, and Commander in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honorable Council and the Commons House of Assembly of the said Province, and by the authority of the same, That from and after the passing of this Act, any person or persons whatever who shall hereafter be in the custody of the provost marshal of this Province, or of his goal-keeper or deputy, and who shall once petition the justices of this Province for his or her discharge, agreeable to the Acts hereinbefore recited, or any of them, every such person or persons, his or their executors or administrators, shall be incapacitated ever afterwards to plead the Act of limitations of this Province, in bar to any action that may afterwards be brought against him or them by any person or persons that were his or their creditors for any demand or cause of action that existed at the time of the exhibiting the said petition for the discharge of the said person when in custody; and in case the Act of limitations of this Province shall afterwards be pleaded by any such person or persons, the said plea shall be set aside by the court where such action shall be brought, upon motion made by the plaintiff or his attorney in such action, upon producing the petition before exhibited by the defendant for his having the benefit of the Acts hereinbefore recited, for the relief of insolvent debtors.

Insolvents may not afterwards plead the Act of Limitations.

II. And whereas, it may happen that the creditors of such petitioners by note, book account, and contract, may lose the effect of their demand for want of evidence, by death of witnesses, miscarriage of books, or other such causes, *Be it therefore enacted* by the authority aforesaid, That whenever any person hereafter in custody shall once petition for his or her discharge, agreeable to the said recited Acts for the relief of insolvent debtors, the creditor or creditors of such persons, by note, book account or contract, not willing to accept a dividend of such petitioner's estate, in order to perpetuate the testimony of his, her or their demand, may be at liberty to prove the quantum of the said demand or balance due from or against such petitioner at the court where such petitioner applies for his or her discharge; and a minute or certificate thereof shall be entered with the clerk of the said court, of the sum or balance due to such creditor or creditors, which minute or certificate shall thenceforth be good evidence of the sum so certified to be due from the said petitioner, and shall thenceforth be deemed as an account liquidated and stated, and recoverable as such against the said petitioner, his executors or administrators, without further evidence than the certificate of the said clerk of the court, and against which debt or demand, or any action for the same, the said Act of limitations of this Province shall not be a bar nor pleadable; any law, usage or custom to the contrary notwithstanding.

Creditors who do not come in may file a perpetuation of testimony.

A. D. 1750.

Debtors to remain in goal till brought up to court to be discharged.

III. *And be it further enacted* by the authority aforesaid, That no person or persons, who after the passing of this Act shall be arrested for any debt, duty, cause or matter whatsoever, shall be discharged from the same by virtue of any of the Acts of the General Assembly of this Province, made for the relief of insolvent debtors, unless such person or persons shall actually have remained confined in goal, without bail, from the day of such arrest until the day wherein the court shall determine whether such person or persons is or are entitled to the benefit of the said Acts; any thing in the said Acts contained to the contrary in any wise notwithstanding.

Debtors not to have the benefit of this Act twice in three years.

IV. *And be it further enacted* by the authority aforesaid, That no person or persons having once had the benefit of any of the said Acts, made for the relief of insolvent debtors, shall within three years thereafter be entitled to the same benefit of being discharged from any debt, duty, cause or matter whatsoever, by them contracted or from them become due, after his, her or their first discharge, any thing in the said Acts contained to the contrary notwithstanding; provided always, that the creditor or creditors of such person or persons, shall, during the time of the said person or persons confinement, pay six shillings and three pence current money, per diem, to the provost marshal or goaler, for the maintenance and support of such person or persons so debarred from the benefit of the said Acts, if he, she or they shall appear to the court to have no substance of their own liable to the said charge.

They may be recommitment on suspicion of fraud.

V. *And be it further enacted* by the authority aforesaid, That the justices of the court from whence the process issued against any person or persons who shall petition for the benefit of the said recited Acts, or either of them, shall have power, and they are hereby authorized and impowered, at the request of the creditor to re-commit such person or persons to the common goal, there to remain confined for the term of twelve months, in case the said justices shall have any reason to suspect that such person or persons have not rendered a just and true account of his or their real or personal estates, according to the true intent and meaning of the said Acts, any thing in the said Acts to the contrary thereof in any wise notwithstanding; provided, that the creditor requesting such recommitment, shall, during the said term, pay six shillings and three pence per diem, to the provost marshal or goaler, for the subsistence of such person or persons; and in case such creditor shall neglect to pay the same by the space of one week, then the provost marshal or goaler shall immediately discharge such person or persons from his custody.

Limited to five years.

VI. *Provided also, and be it further enacted* by the authority aforesaid, That this Act and every matter and clause therein contained, and also the said additional and explanatory Act herein first before mentioned, and also the said Act for the more effectual relief of insolvent debtors, as the same is amended and explained by the said explanatory Act and by this present Act, shall continue and be of force for and during the term of five years, and from thence to the end of the then next session of the General Assembly, and no longer.

ANDREW RUTLEDGE, *Speaker.*

In the Council Chamber, the 31st day of May, 1750.

Assented to: JAMES GLEN.

A. D. 1751.

No. 780.

AN ACT for raising and granting to his Majesty the sum of sixty thousand three hundred and fifty-eight pounds fourteen shillings and ten pence one farthing, for defraying the charges of this Government for one year, commencing the twenty-fifth day of March, in the year of our Lord one thousand seven hundred and forty-nine, inclusive, and ending the twenty-fifth day of March, one thousand seven hundred and fifty, exclusive, and for discharging the residue of the debt incurred for the defence of the coasts and protection of the trade of this Province.

(Passed 31st May, 1750. *Omitted.*)

AN ACT for appointing Commissioners to make a new bridge over Pon Pon river, near the place where the old bridge stood, and for making causeys leading to the said bridge; and for appointing Commissioners to finish and complete a road already laid out from the Horse-shoe road to Pocatalliguo causeway, in the parish of St. Bartholomew, and to keep the said road in repair; and for appointing Commissioners to cut a Creek from Ashepoo river to Pon Pon river, at the upper end of the Goose marsh, between the said rivers; and also to cut another Creek through the marsh between Chehaw and Ashepoo rivers.

(Passed the 24th day of April, 1751. *See last volume.*)

AN ACT for establishing a ferry from the plantation of Col. Samuel Prioleau, called Patterson's Point, on Port Royal Island, to the land late of Thomas Innes, deceased, on the Indian land, and for vesting the said ferry in the said Col. Samuel Prioleau, his executors, administrators and assigns, for the term of ten years; and for establishing one other ferry from the said land, late of the said Thomas Innes, deceased, to the said plantation of the said Col. Saml. Prioleau, and for vesting the same in John Greene, his executors, administrators and assigns, for the like term.

(Passed 24th April, 1751. *See last volume.*)

AN ACT TO APPOINT AND ESTABLISH NEW LISTS OF JURYMEN, TO BE DRAWN BY BALLOT IN THIS PROVINCE, AND TO IMPOWER THE COURTS OF LAW TO DRAW JURORS IN CASES THEREIN MENTIONED. No. 783.

WHEREAS, no lists of jurymen to serve as jurors at the several courts of record by law established in this Province, have been appointed since the twenty-ninth day of May, in the year of our Lord one thousand seven hundred and forty-four, whereby the numbers now remaining on the jury lists are become too small for the public service; we therefore humbly pray his most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted*, by his Excellency James Glen, Esq. Captain General and Governor-in-chief, in and over his Majesty's Province of South

A. D. 1751.

Jury men
named in the
schedule and
no others, to be
summoned,
when drawn as
grand jurymen.

Same process
as to petit
jurymen.

Special
jurymen.

The names of
persons formerly
appointed to
be taken out
and destroyed.

Names of persons
now to be
appointed to be
written on paper or parchment
with their
place of
residence.

Manner of
proceeding to
draw jurors.

As by Act of
20th Aug. 1731.

Carolina, by and with the advice and consent of his Majesty's Honourable Council and the Assembly of this Province, and by the authority of the same, That the several persons whose names are in the several lists or schedules hereunto annexed, (and no other person or persons whatsoever) shall be drawn by ballot, impanelled, summoned and obliged to serve as jurymen at the several courts of record by law established in this Province, and in such manner and form as by the laws of this Province is directed and prescribed, that is to say, that the several persons whose names are inserted in the first schedule or list hereunto annexed, intituled a list of grand jurymen, shall be drawn by ballot, impanelled, summoned and obliged to serve on all grand juries at the court of general sessions of the peace, oyer and terminer, assize and general goal delivery, to be holden in Charlestown; and the several persons whose names are inserted in the second schedule or list hereunto annexed, intituled a list of petit jurymen, shall be drawn by ballot, impanelled, summoned and obliged to serve on all juries and inquests whatsoever, at any of the courts of record that shall at any time hereafter be holden in Charlestown, in this Province; and the several persons whose names are inserted in the third schedule or list hereunto annexed, intituled a list of special jurymen, being inhabitants of the parish of St. Philip, Charlestown, shall be drawn by ballot, impanelled, summoned and obliged to serve on all juries and inquests at courts of the general sessions of the peace, oyer and terminer, assize and general goal delivery, and courts of common pleas, and all forcible entries, and at all special courts for transient persons, and at no other courts whatever, hereafter to be holden in this Province; any law, usage or custom to the contrary thereof in any wise notwithstanding.

II. *And be it further enacted* by the authority aforesaid, That the chief justice, public treasurer and coroner of Berkley county, shall within ten days next after the passing of this Act, take out of the jury box and burn or otherwise destroy the pieces of parchment or paper whereon the names of the persons formerly appointed by law to serve as jurymen are written, and shall within the time aforesaid cause to be written on other small pieces of parchment or paper, of an equal size and bigness, the names of the persons hereby appointed to serve as jurymen, with the parish in which each person doth live and reside, and having first diligently compared them with the lists or schedules hereunto annexed, shall cause them to be put in the same or some other box or chest, to be prepared for that purpose, with six divisions made therein, and the number of each division marked upon the cover of the same, observing the method following, that is to say, the names of all the persons mentioned in the schedule or list hereunto annexed, intituled a list of grand jurymen, shall be put into the division of the said box numbered one; and the names of all the persons mentioned in the schedule or list hereunto annexed, intituled a list of petit jurymen, shall be put into the division of the said box numbered three; and the names of all the persons mentioned in the schedule or list hereunto annexed, intituled a list of special jurymen, shall be put into the division of the said box numbered five.

III. *And be it further enacted* by the authority aforesaid, That the persons hereby appointed to serve on juries, shall be drawn according to the method prescribed by an Act of the General Assembly of this Province, passed the twentieth day of August in the year of our Lord one thousand seven hundred and thirty-one, intituled an Act confirming and establishing the antient and approved method of drawing juries by ballot in this Province, and for the administration of justice in criminal causes,

and for appointing special courts for the tryal of causes of transient persons, declaring the power of the provost marshal, for allowing the proof of deeds beyond the seas as evidence, and for repealing the several Acts of the General Assembly therein mentioned, and shall be subject and liable to all the dutys, pains and penaltys which are enjoined and inflicted by the laws of this Province on jurymen; provided always, that nothing in this Act contained shall be construed, deemed or taken to oblige any person or persons who heretofore have been, now are, or hereafter shall be members of his Majesty's Honourable Council, judges or assistant judges in any of the courts of this Province, or members of the Assembly, and officers of any of the courts of justice, during the time they shall be members, and during their continuance in such offices, or any person or persons exempted by the laws and statutes of Great Britain, or by any law of this Province, to serve as jurymen, or to debar or preclude any person or persons from challenging or excepting against any juror or jurors, where by the laws of Great Britain he or they might have been admitted so to do, challenges to the array in respect of partiality, affinity or consanguinity of the provost marshal excepted.

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Persons in official stations exempted.

Challenges allowed, such as are allowed by the laws of Great Britain.

IV. And whereas, in case a juror after appearance shall refuse to act, or shall absent himself without leave of the court, or after his being sworn to the tryal of any issue, should dye, be taken so ill as to be unable to try the same, or be withdrawn by leave of the court and with the consent of the partys to the said issue before a verdict found, it hath been doubted whether the courts of record of this Province have power by law to order other jurors to be drawn, in order to proceed in the tryal of such and other causes as may be then depending at such courts, whereby great delays of justice have arisen and may hereafter arise, *Be it therefore enacted* by the authority aforesaid, That in all or any of the cases above mentioned, the court where such accident may happen, shall have power and authority to order the said juries to be completed, and to proceed in the tryal of such cause in which such accident shall happen, and to the tryal of such other causes as may be then and there depending, in the same manner as is directed by the laws of this Province to supply defects of jurors when a sufficient number of those who are named in the pannel annexed to the venire facias does not appear.

Jurors dying, absenting, &c.

In such cases the court may order the jury to be completed as heretofore.

*(Lists of Names Omitted.)*ANDW. RUTLEDGE, *Speaker.**In the Council Chamber, the 4th day of May, 1751.**Assented to:* JAMES GLEN.

AN ACT FOR SUPPRESSING AND PREVENTING OF PRIVATE LOTTERYS.

No. 784.

WHEREAS, many persons have lately, and do daily presume to set up lotteryys under the denomination of sales of houses, lands, plate, jewels, goods, wares, merchandizes and other things, by chances, which practices are highly prejudicial to the public and to the trade of this Province, and tend to defraud his Majesty's subjects; we therefore pray your most sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Excellency James Glen, Esq., Captain General and Governor-in-chief, in and over the Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council, and the House of Assembly of the said Province, and by the

A. D. 1751.

No lottery to be set up for the sale of any kind of property.

Offenders shall forfeit the penalty of £500.

To be recovered by qui tam action. Also be committed to the common goal.

Penalty on adventurers in any Lottery.

This Act a public Act.

authority of the same, That all and every person and persons whatsoever, who at any time after the passing of this Act, in Charlestown and within twenty miles thereof, and in fourteen days thereafter in all other parts of this Province, shall erect, set up, continue or keep, or shall cause or procure to be erected, set up, continued or kept, any lottery, under the denomination of sales of houses, lands, plate, jewels, goods, wares, merchandizes or other things whatsoever, by way of lottery or chances, or by lots, tickets, numbers or figures, or who shall make, write, print or publish, or cause to be made, written, printed or published any proposal or scheme of the like kind or nature, under any denomination, name or title whatsoever, and shall be thereof convicted on any indictment for the same at the court of general sessions of the peace, oyer and terminer, assize and general goal delivery, shall forfeit the sum of five hundred pounds proclamation money, one third part thereof to his Majesty, his heirs and successors, to be applied by the General Assembly for the use of this Province, one third part thereof to the informer, and the other third part thereof to the poor of the parish where the offence shall be committed; and shall also for every such offence be committed by the said court to the common goal, there to remain without bail or mainprize for the space of twelve months, and from thence until the said sum of five hundred pounds shall be fully paid and satisfied.

II. *And be it further enacted* by the authority aforesaid, That all and every person and persons who after the passing of this Act shall be adventurer or adventurers in, or shall pay any money or other consideration, or shall any way contribute unto or upon account of any such sales or lottery, shall forfeit for every such offence the sum of five pounds proclamation money, to be recovered with costs of suit by action of debt, bill, plaint or information, in any of his Majesty's courts of record in this Province, wherein no essoin, protection, wager of law or any more than one imparlance shall be allowed; one moiety thereof to his Majesty, his heirs and successors, to be applied as aforesaid, and the other moiety thereof to the person or persons who shall inform and sue for the same.

III. *And be it further enacted* by the authority aforesaid, That this Act shall be deemed a public Act, and shall be taken notice of without pleading the same, by all judges, justices, magistrates and courts within this Province.

IV. *And be it further enacted* by the authority aforesaid, That this Act shall continue in force for the space of ten years, and from thence to the end of the next session of the General Assembly, and no longer.

ANDW. RUTLEDGE, *Speaker.*

In the Council Chamber, the 4th day of May, 1751.

Assented to: JAMES GLEN.

A.D. 1751.

No. 785.

AN Additional ACT TO THE SEVERAL ACTS OF THE GENERAL ASSEMBLY NOW OF FORCE IN THIS PROVINCE WHICH RELATE TO INSOLVENT DEBTORS, AND FOR IMPOWERING THE CHIEF JUSTICE, PUBLIC TREASURER AND CORONER OF BERKLEY COUNTY, TO SET ASIDE INSOLVENT DEBTORS THAT MAY HAPPEN TO BE DRAWN AS JURORS, AND FOR OBLIGING THE PLAINTIFFS TO PAY THE FEES FOR INSOLVENT DEBTORS COMMITTED TO THE CUSTODY OF THE PROVOST MARSHAL.

FORASMUCH as several debtors in this Province who have been possessed of considerable effects and had outstanding debts due to them which should have been applied toward the payment of their creditors, have absconded and concealed themselves and their effects in such manner that no process could be served upon either, and have in the meantime collected such outstanding debts and squandered the same away to the manifest injury of their creditors; for remedy whereof for the future, we humbly pray his most sacred Majesty that it may be enacted, Preamble.

I. *And be it enacted*, by his Excellency James Glen, Esq., Governor-in-chief and Captain General in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Honourable Council and the House of Assembly of the said Province, and by the authority of the same, That from and immediately after the passing of this Act, all and every merchant, factor, shop-keeper, and other person and persons, concerned in trade, who shall abscond or conceal him, her, or themselves in such manner that mesne process or execution cannot personally be served upon him, her, or them, by the space of three months, shall be deemed and adjudged as to have departed this Province; and all and every his, her, and their monies, goods, and chattels, debts, and books of account in the hands of any other person or persons whosoever, shall be subject and liable to be attached, in the same manner as is directed and appointed with respect to debtors who shall withdraw themselves out of the limits of this Province in and by an Act passed in the seventeenth year of his present Majesty's reign intitled an Act for the better securing the payment and more easy recovery of debts due from any person or persons residing beyond the seas or elsewhere, without the limits of this Province, by attaching the monies, goods, chattels, debts, and books of account of such person or persons, if any he, she, or they shall have within this Province, and to empower and enable a feme covert that is a sole trader to sue for and recover such debts as shall be contracted with her as a sole trader, and to subject such feme covert to be arrested and sued for any debt contracted by her as a sole trader; any former law, usage, or custom to the contrary thereof in any wise notwithstanding. And his property liable to attachment.

misclanted
Debtors absconding for the space of 3 months, shall be deemed to have departed from this Province.

Act of May 29, 1744, No. 709, referred to.

Feme covert sole trader.

II. *And be it further enacted* by the authority aforesaid, That all and every insolvent debtor and debtors, who shall exhibit a petition to any of the courts of law from whence process shall issue against them, and shall render a true and just account upon oath, of all and singular his, or her goods, chattels, lands, and tenements, and outstanding debts, and make an assignment and delivery of the same to such person or persons as shall be appointed by the court, and approved of by the creditors for that purpose, and shall make it appear to the satisfaction of three-fourths of such insolvent debtor's creditors, in number and value, that his or her estate and effects will pay ten shillings in the pound at least of his or her debts, and Terms of discharge of insolvent debtors.

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shall within twelve months then next after produce a certificate from such creditors to the said court, that the same hath been actually paid or secured to be paid, every such debtor shall from thenceforth be absolutely released, acquitted, and discharged of and from all claims and demands of what nature or kind soever, which any person or persons in this Province at or before that time had against such debtor; any former law, usage, or custom, to the contrary thereof in any wise notwithstanding.

Concealment to
bar discharge.

III. *And be it further enacted* by the authority aforesaid, That in case it shall at any time afterwards appear that any such debtor did conceal any part of his estate and not make a full surrender and delivery thereof, such debtor shall not be intitled to the benefit of this Act nor of any other Act of the General Assembly for relief of insolvent debtors; any thing herein, or in any of the said Acts contained to the contrary thereof in any wise notwithstanding: and every such debtor shall be deemed and adjudged guilty of perjury, and be punished as the law in that case directs.

Debtor abscond-
ing or hiding
himself, and
adverted.

IV. *And be it further enacted* by the authority aforesaid, That in case any debtor or debtors shall abscond or conceal him, or her, or themselves, in such manner that mesne process or execution cannot be served upon him, her, or them as aforesaid, notice thereof shall, by order of the court, be published in the Gazette, or by writing fixed up in the most conspicuous place in the parish where such insolvent debtor last resided, at the expense of the plaintiff in the action, after which it shall not be lawful for any debtor or debtors to sue for, collect or receive any debt whatsoever, which may be due to him, her, or them from any person or persons who-soever; and if any action shall be commenced by any such debtor or debtors, or judgment obtained at his, her, or their suit, and not satisfied before he, she, or they absconded or concealed him, her, or themselves, the same shall and may be continued and carried on in his, her, or their name or names, but shall, by order of the court, be paid and applied to the use of his, her, or their creditors; and in case any person or persons indebted to any debtor or debtors so absconding as aforesaid, shall at any time after public notice having been given as aforesaid, pay any sum or sums of money due to such debtor or debtors to any other than his, her, or their creditors, such person and persons shall be obliged, and he, she, and they is, and are hereby made liable to pay the same over again to the creditors of such debtor or debtors so absconding, which may be attached as monies of such debtors in his, her, or their hands; any law, usage, or custom to the contrary thereof any wise notwithstanding.

Shall not col-
lect, receive, or
sue for any
debt due to
him.

Persons paying
such debtor
may be sued
afresh.

Case of debtors
concealing
debts due to
them.

V. *And be it further enacted* by the authority aforesaid, That in case any insolvent debtor or debtors at the time when he, or she, or they rendered or shall render an account of his, her, or their estate, pursuant to the direction of the said Acts, or of this present Act, hath or shall conceal any debts that were or shall be owing to them or any of them, it shall not be lawful for the person or persons owing such debts, to pay the same or any part thereof, to or for the use of such insolvent debtor or debtors; but such person and persons shall be, and are hereby obliged and made liable to pay such debts, and every part thereof, to the assignee or assignees of such debtor or debtors, for the use of his, her, or their creditors; and such assignee or assignees may sue for the same in his or their own name or names, in like manner as assignees in commissions of bankrupts can or lawfully may do by the laws or statutes of Great Britain; in which suit no release of such insolvent debtor, his or her executors or administrators, or any trustee for him or her, subsequent to the rendering such account, shall be any bar.

VI. *And be it further enacted* by the authority aforesaid, That every insolvent debtor who shall make an assignment of his or her estate in trust for the use of his or her creditors, pursuant to the laws for those purposes, shall be obliged, and he or she is hereby required and enjoined to assist the trustee or trustees at all times when thereunto required in the recovery of the debts assigned, and in every other matter which shall be thought necessary for the benefit and advantage of the creditors; and in consideration thereof such trustee or trustees shall have power, and they are hereby fully impowered and authorized, in all cases where they shall be of opinion such insolvent debtor hath acted justly and honestly, to make him or her such allowance for the subsistence of such insolvent debtor and his or her family (if any they have,) as the said trustee or trustees shall think meet: Provided, that such allowance do not exceed ten per centum of the whole money received upon such insolvent debtor's account.

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Debtors making an assignment shall be bound to assist the trustees and shall receive allowance therefor.

VII. *And to prevent frauds being committed by insolvent debtors, Be it further enacted* by the authority aforesaid, That in case any debtor, at any time within twelve months before his or their being taken into custody, shall have made any conveyance, bill of sale, or assignment, of any lands, tenements, goods or chattels, whatever, to any person or persons whosoever, or confessed judgment for any sum or sums of money to any person or persons whosoever, all and every such person and persons, or the attorneys, agents, executors or administrators of such person and persons, if they shall happen to be absent or deceased, shall be obliged, and they are hereby obliged, enjoined and required, to attend at the court of common pleas, at the time and place appointed by the said court for the appearance of the creditor of such insolvent debtor, and then and there make oath that such conveyance, bill of sale or assignment, was made, to the best of their knowledge and belief, for a valuable consideration, actually paid, or that such judgment was for a debt bona fide due. Provided always, nevertheless, that if such person or persons, his, her or their attorney, agent, executors or administrators, or any of them, shall, by reason of sickness or other lawful impediment, be unable to appear at the time and place aforesaid, such person or persons, or any of them, may make the same oath before any justice of the peace in this Province, which being certified by such justice and transmitted to the clerk of the court, shall be as sufficient and effectual as if they had taken the said oath in court; and if the said several person or persons to whom any such conveyance, bill of sale or assignment, is or shall be made, or judgment confessed as aforesaid, or their attorney, agent, executor or administrator, shall neglect or refuse to take the said oath in manner hereinbefore directed, or within three months after at farthest, then every such person and persons shall be deemed to have taken and accepted from such insolvent debtor a false and feigned trust, with intention to defraud the creditors of such insolvent debtor and to conceal his estate and effects from them; and all and every such conveyance, bill of sale, assignment and judgment, shall be and is hereby declared to be null and void, to all intents and purposes whatsoever; and the lands, tenements, goods and chattels thereby conveyed, and money paid upon such judgment, shall be vested in the trustees, in the like manner and for the like purposes as all the other estate and effects of such insolvent debtor are by the said Acts, or any or either of them, directed to be vested.

Debtors making any bill of sale or conveyance.

Oath to be taken that such bill of sale or judgment or conveyance was for a bona fide consideration.

Proviso.

Effect of fraud in any assignment or confession of judgment.

VIII. *And be it further enacted* by the authority aforesaid, That in case the name of any person who shall have assigned over his estate in trust, for the use of his creditors, or any person who shall have petitioned the said court for the benefit of the Acts for relief of insolvent debtors,

Debtors making assignments, not to serve as jurors for 12 months.

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shall be drawn out of the jury box at any time within twelve months after such assignment of his estate or petitioning the court as aforesaid, to serve as a juror at the court of general sessions of the peace, oyer and terminer, assize and general goal delivery, or as a juror to serve at the court of common pleas in this Province, it shall and may be lawful to and for the chief justice, public treasurer and coroner of Berkley county, to set such person aside, and to draw another person to be impannelled and serve in the room of such person who shall have assigned his estate, or such person who shall have petitioned as aforesaid; any law, usage or custom to the contrary thereof in any wise notwithstanding.

Creditor suing
to be liable to
the provost
marshal for fees
of maintenance,
to be repaid by
the assignees.

IX. Whereas, all persons who take the benefit of the several Acts for relief of insolvent debtors, are by law immediately to be discharged, and many of them have not wherewithal to pay their fees, in which case the provost marshal is left without any remedy, and no provision is made to oblige the creditor at whose suit such poor debtor is arrested either to maintain him himself or to pay the marshal for so doing, for remedy whereof, *Be it further enacted* by the authority aforesaid, That the creditor or creditors at whose suit any person shall be arrested and imprisoned, who shall be admitted to the benefit of the said Acts, shall be and they are hereby made liable for and chargeable with the fees due to the provost marshal on account of the arrest and imprisonment of such person, and that it shall and may be lawful to and for the trustees or assignees of such insolvent debtor, and they are hereby directed and required, out of the monies they shall receive on account of such assignment, to reimburse and repay such creditor or creditors such sum or sums of money which he or they shall so advance, agreeable to the direction of this Act; any thing in any former Act or Acts contained, to the contrary thereof in any wise notwithstanding.

Limitation four
years.

X. *And be it further enacted* by the authority aforesaid, That this Act shall continue and be of force for and during the term of four years, and from thence to the end of the next session of the General Assembly, and no longer.

ANDREW RUTLEDGE, *Speaker.*

In the Council Chamber, the 4th day of May, 1751.

Assented to : JAMES GLEN.

No. 786. AN ACT to restrain and prevent the too frequent sales of Goods and Wares and Merchandize by public auction or outcry in Charlestown, and for the better regulation of such sales.

(Passed May 4th, 1751. *See last volume.*)

No. 787. AN Additional and Explanatory ACT to an Act of the General Assembly of this Province, entitled an Act for keeping the streets in Charlestown clean, and for establishing such other regulations for the security, health and convenience of the inhabitants of the said town as are therein mentioned, and for establishing a new Market in the said town.

(Passed May 4th, 1751. *See last volume.*)

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AN ACT for amending an Act entitled an additional and explanatory Act to an Act entitled an Act to empower the several Commissioners of the high roads, private paths, bridges, creeks, causeys and cleansing of water passages in this Province of South Carolina, to alter and lay out the same for the more direct and better convenience of the inhabitants thereof. No. 786.

(Passed May 17th, 1751. *See last volume.*)

AN ACT FOR THE BETTER RESTRAINING SEAMEN FROM ABSENTING FROM THEIR SERVICE, AND FOR ENCOURAGING THE APPREHENDING AND SECURING OF FUGITIVE SEAMEN, AND TO DISCOURAGE FRIVOLOUS AND VEXATIOUS ACTIONS AT LAW BEING BROUGHT BY SEAMEN AGAINST MASTERS AND COMMANDERS OF SHIPS AND OTHER VESSELS. No. 789.

WHEREAS, the laws of this Province now in being for restraining mariners and seamen from running into debt, and for preventing their desertion, by reason of the encouragement which such mariners and seamen meet with from victuallers and others keeping tippling houses, have hitherto proved ineffectual for those good purposes, to the manifest detriment of the trade of this Province; we therefore humbly pray your most sacred Majesty that it may be enacted, Preamble.

I. *And be it enacted*, by his Excellency James Glen, Esq., Governor-in-chief and Captain General in and over this Province of South Carolina, by and with the advice and consent of his Majesty's honorable Council and the House of Assembly of this Province, and by the authority of the same, That it shall not be lawful to or for any tavern keeper, punch house keeper or victualler, within this Province, at any time after the expiration of twenty days from the time of passing this Act, to harbour, entertain or employ any seaman or mariner, exceeding one hour in four and twenty, or to furnish or supply any seaman or mariner with any victuals or strong liquor, above the value of ten shillings current money, without an order or direction in writing for so doing under the hand of the master or commander of the ship or vessel to which such seaman or mariner shall respectively belong, under pain of forfeiting the sum of forty shillings proclamation money for every such offence, to be recovered and applied as is hereinafter directed; and in case such offender or offenders shall not pay or give sufficient security for the payment of the said forfeiture within ten days after being convicted, he, she and they shall, for the first offence, be ordered by any two justices of the peace, before whom such offender or offenders shall be tried, to be put in the stocks for one hour; and for the second offence shall suffer one month's imprisonment, without bail or mainprize. Provided always, nevertheless, that nothing herein contained shall extend or be construed to extend to such seamen or mariners as shall be legally discharged from any ship or vessel, and who shall produce a certificate thereof, to be obtained in the manner hereinafter directed; any thing hereinbefore to the contrary notwithstanding. No tavern keeper or victualler to harbor any mariner more than one hour, or to furnish any victuals or strong drink above 10s value.

Penalty 40s.

Not to extend to mariners legally discharged.

II. *And be it further enacted* by the authority aforesaid, That every master of a vessel hereafter arriving in this Province shall, under the pen-

A. D. 1751.

Masters of vessels to deliver a list of their seamen, with a description.

alty of four pounds proclamation money for every neglect, at the time of making his entry with the country controller, deliver to the said controller a list of the names of all the seamen on board his vessel, together with a particular description of each of them, which shall be registered in a book to be kept for that purpose by the said controller, to the intent that in case any fugitive mariner or seaman shall be apprehended it may be known to what vessel he belongs; and the said controller shall receive as a fee for the same one shilling proclamation money from every such master, and the like further sum for every search or copy of such register from any person requiring the same.

Masters to give a certificate of freedom to mariners entitled to one.

III. *And be it further enacted* by the authority aforesaid, That every master of a vessel in this Province, immediately after the passing of this Act shall, under the penalty of four pounds proclamation money for every offence, deliver upon demand to every mariner under his command requiring the same, a certificate in writing, gratis, of the freedom of such mariner, if the time of his service by agreement, contract or otherwise, is expired; and upon refusal, without just cause, any two justices of the peace are hereby impowered and required, upon application to them and due proof, to grant such certificates, which shall be of equal force with certificates given by such masters of vessels; for every of which certificates the said justices shall receive two shillings proclamation money, to be paid by the party found in the wrong, and which the master is hereby impowered to deduct out of the mariner's wages if paid by him on account of the mariner's being found in default.

Seamen not to be employed unless they have a certificate.

IV. *And be it further enacted* by the authority aforesaid, That no master of a ship or other vessel in this Province, after the passing of this Act, shall have, receive or entertain any seaman belonging to any ship or vessel trading within this Province, without such a certificate as aforesaid, under the penalty of ten pounds proclamation money for every such offence, to be recovered and applied as is hereinafter directed.

Seamen deserting may be apprehended.

V. *And be it further enacted* by the authority aforesaid, That every free white person within this Province shall be and is hereby impowered to apprehend and secure any seaman that he shall know to be a deserter, and upon resistance to call to their assistance free persons or white servants.

Such deserters shall be brought before a justice of peace to be examined, and remanded to the vessels to which they belong, or to the goal or work-house

VI. *And be it further enacted* by the authority aforesaid, That every person apprehending and securing any deserting or fugitive seaman, shall bring or cause to be brought such seaman, with all convenient speed, before the next justice of the peace, to be examined, and if found to be a deserter, or without a certificate of discharge, shall, by order of the said justice, be sent from constable to constable, who are hereby required to receive and conduct such deserter until he is brought to the vessel to which he belongs, to be delivered to the master of the same, upon payment of the reward and charges by this Act appointed, if such master is known and in this Province, or otherwise to be delivered into the common goal or work house in Charlestown, there to be kept until the master to whom he belongs demands him and pays the said reward and charges; provided, the said master makes his demand within ten days after the commitment of such seaman. And if no such demand is made and reward and charges paid within that time, or in case the vessel to which such seaman did belong shall have departed this Province, then it shall be lawful for the goal keeper or warden of the work house, and they are hereby required, to deliver such seaman to any other master of a vessel requiring him, and paying the said reward and charges, to be deducted out of the wages of such seaman, by the master so paying the same.

Further proceedings in case of deserters.

VII. *And be it further enacted* by the authority aforesaid, That every person apprehending a fugitive seaman, shall receive as a reward for the same, twenty shillings proclamation money, to be paid as by this Act is before directed; and the charges, fees and mileage payable to the officers, constables and other persons directed, impowered or required to put this Act in execution shall be the same as those limited and ascertained by the following table, (that is to say) to the person carrying any fugitive seaman from the place where apprehended to the justice, three pence per mile proclamation money; to the justice before whom such seaman is brought, for examining the matter and order thereon, eighteen pence like money; to the constable per mile from the place where he receives, to the place where he delivers such seaman, besides ferriage and diet, three pence like money; to the goal-keeper or warden of the work house, for receiving such seaman, one shilling and three pence like money, and the like sum for discharging him; for diet per day for each seaman, allowing at least one pound of bread and one pound of flesh, wholesome provisions, one shilling and three pence like money.

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Reward for
apprehending,
20 shillings.

Table of fees

VIII. *And be it further enacted* by the authority aforesaid, That every person keeping a ferry within this Province who shall wilfully transport or suffer to be transported any seaman not having a certificate of discharge as directed by this Act, shall forfeit and pay the sum of four pounds proclamation money for every such offence, to be recovered and applied as is hereinafter directed.

Ferryman not
to transport sea-
men who have
no certificate.


IX. And to discourage frivolous and vexatious actions at law being brought by seamen or mariners against masters or commanders of ships or other vessels, *Be it enacted* by the authority aforesaid, That no writ, warrant, or other process whatsoever, shall be issued out of any court in this Province against the master or commander of any ship or other vessel, upon the complaint or at the suit of any seaman or mariner, for any act, matter, cause or thing whatsoever, until the cause of action be first shewn to and approved of by the judge or one of the justices of the court from whence such writ, warrant or other process is to be issued; and in case any attorney, solicitor, proctor or other practitioner in the law, whatever, shall issue any such writ, warrant or other process as aforesaid, without having first shewn cause, and the action approved of as aforesaid, he and they shall be liable to pay all the costs and damages accruing or arising by such action; any former law, usage, practice or custom to the contrary thereof in any wise notwithstanding.

No writ to issue
against a mas-
ter on complaint
of a seaman,
till cause of
action be ap-
proved by a
judge.

X. *And be it further enacted* by the authority aforesaid, That all the fines, penaltys and forfeitures imposed or inflicted by this Act shall, if not exceeding the sum of four pounds proclamation money, be recovered, levied and distrained for by warrant from any one justice of the peace of the county where the offence shall be committed, according to the act for the tryal of small and mean causes; and in case such fine, penalty or forfeiture shall exceed the sum of four pounds proclamation money, the same shall and may be recovered by action of debt, bill, plaint or information, in any court of record in this Province, wherein no privilege, protection, essoign or wager of law shall be allowed or admitted, nor any more than one imparlance; and all the said fines, penaltys and forfeitures shall be applied and disposed of, one half to his Majesty, his heirs and successors, to be appropriated by the General Assembly, and the other half to him or them who will inform and sue for the same.

Proceedings to
recover fines.

XI. *And be it further enacted* by the authority aforesaid, That this Act shall be deemed a public Act, and shall be taken notice of without plead-

A. D. 1751.  ing the same, before all judges, justices, magistrates and courts within this Province; and shall continue in force for the term of five years from the time of passing this Act, and from thence to the end of the next session of the General Assembly, and no longer.

ANDREW RUTLEDGE, *Speaker*.

In the Council Chamber, the 17th day of May, 1751.

Assented to: JAMES GLEN.

No. 790. AN ADDITIONAL AND EXPLANATORY ACT to an Act of the General Assembly of this Province, entitled an Act for the better ordering and governing Negroes and other Slaves in this Province, and for continuing such part of the said Act as is not altered or amended by this present Act, for the term therein mentioned.

(Passed May 17, 1751. *See last volume.*)

No. 791. AN ACT to incorporate the Society commonly called and known by the name of the South Carolina Society.

(Passed May 17, 1751. *See last volume.*)

No. 792. AN ACT for raising and granting to his Majesty the sum of thirty-nine thousand four hundred and forty-one pounds and one farthing, and for applying the sum of six thousand six hundred and eighty-nine pounds twelve shillings and one penny, being the balance of several funds in the public treasury of this Province, making together the sum of forty-six thousand one hundred and thirty pounds twelve shillings one penny farthing, for defraying the charges of this Government for one year, commencing the twenty-fifth day of March, in the year of our Lord one thousand seven hundred and fifty, inclusive, and ending the twenty-fifth day of March, one thousand seven hundred and fifty-one, exclusive.

(Passed May 17, 1751. *Omitted.*)

A. D. 1751.

No. 793.

AN ACT FOR THE BETTER STRENGTHENING OF THIS PROVINCE, BY GRANTING TO HIS MAJESTY CERTAIN TAXES AND IMPOSITIONS ON THE PURCHASERS OF NEGROES AND OTHER SLAVES IMPORTED, AND FOR APPROPRIATING THE SAME TO THE USES THEREIN MENTIONED, AND FOR GRANTING TO HIS MAJESTY A DUTY ON LIQUORS AND OTHER GOODS AND MERCHANDIZE, FOR THE USES THEREIN MENTIONED, AND FOR EXEMPTING THE PURCHASERS OF NEGROES AND OTHER SLAVES IMPORTED FROM PAYMENT OF THE TAX, AND THE LIQUORS AND OTHER GOODS AND MERCHANDIZE FROM THE DUTIES IMPOSED BY ANY FORMER ACT OR ACTS OF THE GENERAL ASSEMBLY OF THIS PROVINCE.

WHEREAS, the best way to prevent the mischiefs that may be attended by the great importation of negroes into this Province, will be to establish a method by which such importation should be made a necessary means of introducing a proportionable number of white inhabitants into the same; therefore, for the effectual raising and appropriating a fund sufficient for the better settling of this Province with white inhabitants, we, his Majesty's most dutiful and loyal subjects, the House of Assembly now met in General Assembly, do cheerfully give and grant unto the King's most excellent Majesty, his heirs and successors, the several taxes and impositions hereinafter mentioned, for the uses and to be raised, appropriated, paid and applied as is hereinafter directed and appointed, and not otherwise, and do humbly pray his most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted*, by his Excellency James Glen, Esquire, Governor in chief and Captain General in and over the Province of South Carolina, by and with the advice and consent of his Majesty's honorable Council, and the House of Assembly of the said Province, and by the authority of the same, That from and immediately after the passing of this Act, there shall be imposed on and paid by all and every the inhabitants of this Province, and other person and persons whosoever, first purchasing any negro or other slave, hereafter to be imported, a certain tax or sum of ten pounds current money for every such negro and other slave of the height of four feet two inches and upwards; and for every one under that height, and above three feet two inches, the sum of five pounds like money; and for all under three feet two inches, (sucking children excepted) two pounds and ten shillings like money, which every such inhabitant of this Province, and other person and persons whosoever shall so purchase or buy as aforesaid, which said sums of ten pounds and five pounds and two pounds and ten shillings respectively, shall be paid by such purchaser for every such slave, at the time of his, her or their purchasing of the same, to the public treasurer of this Province for the time being, for the uses hereinafter mentioned, set down and appointed, under pain of forfeiting all and every such negroes and slaves, for which the said taxes or impositions shall not be paid, pursuant to the directions of this Act, to be sued for, recovered and applied in the manner hereinafter directed.

A duty of £10 on each imported slave of the height of four feet two inches, &c.

II. *And be it further enacted* by the authority aforesaid, That the better to secure, collect and gather in the said taxes from the persons so purchasing any negro or other slave or slaves as aforesaid, all and every person and persons who shall hereafter import into this Province, or shall

Notice to be given of the time and place of selling imported negroes.

A. D. 1751.

have any negroes or other slaves which were lately imported to dispose of, either in their own right or in the right of any other person or persons, every such importer or other person and persons shall, before he or they shall sell or dispose of such negroes or slaves, or any of them, give notice in writing under his hand, of such intended sale, to the country waiter for the time being, (that is to say) of the time when, the place where and the number of such negroes and slaves so intended to be sold or disposed of, under the penalty of forfeiting the sum of one hundred pounds current money, for every slave such person or persons shall sell or otherwise dispose of, for any term or time whatever before such notice given as aforesaid, to be recovered and applied as hereinafter is directed.

The tax to be paid before any slave is removed.

III. *And be it further enacted* by the authority aforesaid, That the tax hereby imposed, shall be paid to the public treasurer before any such slave or slaves shall be removed from the place where such purchaser shall buy the same; and the purchaser shall take a receipt or certificate from the treasurer (which he is hereby required to give without fee or reward) for the same, and which shall be directed to the country-waiter or waiters for the time being, wherein shall be particularly mentioned the sum paid, and the number of slaves for which the same was paid, and shall be a permit to the said waiter or waiters, to suffer such purchaser to remove and carry away the slaves therein mentioned; and such waiter and waiters is and are hereby required and directed to make a regular entry of every such receipt or certificate, in a book fairly to be kept by him or them for that purpose, and duly to file the original.

The country waiter to attend at the time and place of sale of negro slaves, and require the permit.

IV. *And be it further enacted* by the authority aforesaid, That the said country waiter or waiters, and the waiter or waiters for the time being, is and are hereby authorized, impowered and required, upon having notice of any such sale or intended sale of any negroes or other slaves as aforesaid, to give diligent and constant attendance at the place and places of such sale; and in case he or they shall find that any person or persons shall have purchased or bought any negro or other slave as aforesaid, or shall attempt to remove or carry away any such negro or slave, without having paid the said respective tax and obtained a receipt or certificate as aforesaid, and producing the same to the said waiter or waiters, that then it shall and may be lawful to and for such waiter or waiters, and he and they is and are hereby impowered to seize and take all and every such negroes and other slaves as aforesaid, and the said negroes and slaves so seized, are hereby declared forfeited to all intents and purposes whatsoever; and if the said negroes or slaves cannot be found, then the purchaser shall forfeit the value of them, the one moiety to his Majesty for the uses hereinafter mentioned, and the other moiety to the said waiter or waiters, to be recovered as is hereinafter directed and appointed: Provided always, that if any person or persons who shall hereafter import any negroes or slaves into this Province, shall, before the landing of the same, give sufficient security by bond, to be made payable to his Majesty, his heirs and successors, for the uses mentioned in this Act, to the satisfaction of the public treasurer, to pay on behalf of the several purchasers, the tax or imposition hereby laid and imposed on such negroes or slaves, within three months after the entry of the same, it shall and may be lawful for the said public treasurer to give a permit for the landing of such negroes or slaves; and in such case the waiter or waiters before mentioned shall be freed and discharged from attending on the sale of such negroes or slaves.

Importer may give security that the tax shall be paid.

V. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, every person and persons who

shall import into this Province any negroes or other slaves, or their agents or factors, to whom the same shall be consigned, shall be and they are hereby obliged and required, within eight-and-forty hours after the arrival of the vessel in which such negroes or other slaves shall be imported, to make an entry of all and every such negroes and slaves upon oath, in the office of the public treasurer of this Province for the time being, upon pain of forfeiting the sum of one hundred pounds current money, for every such negro or other slave that shall be so imported, of which no such entry shall be made as aforesaid, within the time aforesaid, to be recovered and applied as is hereinafter directed; and all such negroes and other slaves imported as aforesaid, and which shall be landed or attempted to be landed in any part of this Province, before such entry made as aforesaid, shall be and they are hereby declared to be forfeited, the one half to his Majesty for the uses hereinafter mentioned, and the other half to him or them who will inform and sue for the same, to be recovered as hereinafter is directed.

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Importers of negroes to make an entry within 48 hours, on penalty of £100.

And the slaves forfeited.

VI. *And be it further enacted* by the authority aforesaid, That the said tax hereby imposed on negroes and other slaves, paid or to be paid by or on the behalf of the purchasers as aforesaid, by virtue of this Act, shall be applied and appropriated as followeth, and to no other use, or in any other manner whatever, (that is to say) that three-fifth parts (the whole into five equal parts to be divided) of the net sum arising by the said tax, for and during the term of five years from the time of passing this Act, be applied and the same is hereby applied for payment of the sum of six pounds proclamation money to every poor foreign protestant whatever from Europe, or other poor protestant (his Majesty's subject) who shall produce a certificate under the seal of any corporation, or a certificate under the hands of the minister and church-wardens of any parish, or the minister and elders of any church, meeting or congregation in Great Britain or Ireland, of the good character of such poor protestant, above the age of twelve and under the age of fifty years, and for payment of the sum of three pounds like money, to every such poor protestant under the age of twelve and above the age of two years; who shall come into this Province within the first three years of the said term of five years, and settle on any part of the southern frontier lying between Pon Pon and Savannah rivers, or in the central parts of this Province, (to wit) between Santee and Pon Pon rivers, within forty miles of the sea coast; and after the expiration of the said first three years, for payment of the sum of four pounds proclamation money for every such poor protestant above the age of twelve and under the age of fifty years; and for payment of the sum of two pounds like money, to every such poor protestant under the age of twelve and above the age of two years, as shall come here during the remaining two years of the said term of five years, and settle on any part of the southern frontier, between Pon Pon and Savannah rivers, or between Santee and Pon Pon rivers, within the limits aforesaid.

Appropriation of the tax.

VII. And forasmuch as it is very probable that at the expiration of the said term of five years, there will be as many poor protestants settled on the southern frontier and central parts of this Province as there will be on the northern frontier, *Be it therefore further enacted* by the authority aforesaid, That at the expiration of the said term of five years, the said three-fifth parts of the aforesaid net sum arising by the said tax, shall be and is hereby appropriated for payment of the sum of two pounds thirteen shillings and four pence proclamation money to every such poor protestant under the age of fifty and above the age of twelve years, and for pay-

Appropriation after five years.

A. D. 1751.

ment of the sum of one pound six shillings and eight pence like money, to every such poor protestant under the age of twelve and above the age of two years, as shall come into this Province from Europe, at any time after the expiration of the said term of five years, and settle in any part of this Province during the continuance of this Act.

Appropriation
of one fifth of
the tax.

VIII. *And be it also enacted* by the authority aforesaid, That one other fifth part of the net sum arising by the said tax, shall be and is hereby applied for defraying the expense of surveying and running out lands, and passing grants to such poor protestants; and the remaining fifth part of the said tax shall be and is hereby applied as a bounty to be given for the building of ships in this Province, and as an encouragement to ship-wrights and caulkers to become settlers in this Province, in such manner and proportion as shall be hereafter directed and appointed by resolution or order of the General Assembly, or otherwise.

Draughts to be
drawn by the
Governor for
four fifth parts
of the tax.

IX. *And be it also enacted* by the authority aforesaid, That the four fifth parts of the net sum arising by the said tax first above mentioned, shall be paid and applied to the said uses of poor protestants as aforesaid, by draughts to be made for the same by the Governor or Commander-in-chief, with the advice of his Majesty's Council for the time being, upon the public treasurer, payable to the commissary general, for the purposes aforesaid, and not otherwise.

Allowance to
the public
treasurer, com-
missary general
and others.

X. *And be it further enacted* by the authority aforesaid, That there shall be allowed and paid out of the monies arising by the tax hereby laid on negroes and slaves imported, to Jacob Motte, Esq. public treasurer of this Province, or to the public treasurer for the time being, the sum of two pounds and ten shillings for every hundred pounds received by him for such tax, and the like sum for every hundred pounds paid by him out of the same, in pursuance of the directions of this Act; and that John Dart, Esq. commissary general, or the commissary general for the time being, shall be paid out of the said monies, the sum of two pounds and ten shillings for every hundred pounds, on all the monies by him received and paid away, in full satisfaction for all his services, done in pursuance of the directions of this Act; and that there shall also be allowed and paid out of the said monies, to the person or persons who shall from time to time be appointed waiter or waiters by the General Assembly, pursuant to the laws in such case made and provided, the sum of two shillings current money, to be divided equally between them, for every negro or other slave which shall hereafter be sold as is directed by this Act, in lieu of full satisfaction for their trouble and attendance at the sales of slaves, as hereinbefore is directed.

Waiters to
attend sales.

XI. *And be it further enacted* by the authority aforesaid, That the country waiter, Mr. John Ballantine, and the waiter for the time being, and the assistant waiters, or one of them, shall and they are hereby required, on notice to be given as aforesaid of the intended sale of any slaves where security is not given as aforesaid, to give constant and due attendance at the place and places of such sale, and there remain and continue during the time thereof, under pain of forfeiting the sum of fifty pounds current money, for every sale at which one of the said waiters shall not give attendance as aforesaid, to be recovered and applied as is hereinafter directed and appointed.

Country wait-
ers to attend to
the measure-
ment of the
negroes.

XII. *And be it further enacted* by the authority aforesaid, That in case any dispute shall arise between the purchaser or the importer of any slave as aforesaid, and the said waiter or waiters, concerning the height of any such slave, the said purchaser or the importer, and the said waiter,

shall name two justices of the peace who shall judge of the height of such slave, and finally determine the same. A. D. 1751.

XIII. *And be it further enacted* by the authority aforesaid, That the receivers and waiters already appointed, and hereafter to be appointed by the General Assembly, for the ports of Georgetown, Winyaw, and Beaufort, Port Royal, severally and respectively, shall be and they are hereby invested with the same powers and authorities as to receiving and collecting of the said tax arising on the purchasing of slaves in the said ports respectively, as the public treasurer and waiter have for the due execution of this Act in the port of Charlestown; and the said receivers for the time being, for the said ports of Georgetown, Winyaw, and Beaufort, Port Royal, respectively, shall and they are hereby required, within thirty days after their receiving any taxes by virtue of this Act, to remit the same to the public treasurer for the time being, in Charlestown, and shall be allowed and paid for so doing, the sum of two pounds and ten shillings for every hundred pounds, on all the monies by them to be received as aforesaid, in full recompence for receiving and transmitting the same to the public treasurer as aforesaid; and the said waiters for the time being, in the said ports respectively, shall be allowed and paid two shillings for each slave which shall be purchased as aforesaid in the said ports respectively, where their attendance is required; and for receiving such tax by the public treasurer from the said receivers, no commissions shall be paid or allowed.

Power of the receiver and waiters of Georgetown and Beaufort.

Tax to be remitted within 30 days, to the receiver general.

Fees of the receivers and waiters.

XIV. *And be it further enacted* by the authority aforesaid, That all such slaves for which the tax hereby imposed on importation, as aforesaid, hath been paid, and which shall be exported from this Province in six months from the day of the entry of such slave or slaves as aforesaid, the exporter thereof shall be entitled to three fourth parts of the monies paid on the purchase of such slave or slaves at the time of importation; and the public treasurer is hereby required to pay the same to such exporter.

Drawback of 3-4 of the duty on exportation.

XV. *And be it further enacted* by the authority aforesaid, That in case any person shall import or bring into this Province any slave or slaves, by land or water, such slave and slaves is and are hereby declared to be liable to the tax hereby imposed on slaves purchased as aforesaid, by the person or persons importing the same into this Province, in case such slave or slaves shall not be sold; and for default of payment thereof shall be seized and forfeited, and disposed of as herein is directed.

Any slaves brought into the Province, by land or water, liable to the duty.

XVI. *And be it further enacted* by the authority aforesaid, That every person or persons who after the passing this Act shall purchase any slave or slaves which shall be brought or imported into this Province, either by land or water, from any of his Majesty's plantations or colonies in America, that have been in any such colony or plantation for the space of six months; and if such slave or slaves have not been so long in such colony or plantation, the importer shall be obliged to make oath or produce a proper certificate thereof, or otherwise every such importer shall pay a further tax or imposition of fifty pounds, over and besides the tax hereby imposed for every such slave which he or they shall purchase as aforesaid. Provided, that nothing herein contained shall extend or be construed to extend to any person who shall come from any of the said colonies or plantations with their slaves, actually to reside in this Province.

Slaves imported from other colonies or plantations.

Not to extend to persons removing hither from other colonies.

XVII. And whereas, the laws heretofore made for the laying and continuing certain duties and impositions on certain liquors, spirits, and divers other goods and commodities are now near expiring, so that a fund would soon be wanted to supply the uses for which the said duties now are or may be appropriated; to the intent, therefore, that the same, as well as

Duties on liquors, &c. and their appropriation.

A. D. 1751.

other necessary charges of this Government, may not be disappointed for want of a supply being raised by the income of such duties as is consistent with the power and prudence of this Government to lay and impose: *Be it enacted* by the authority aforesaid, That immediately from and after the passing of this Act, all and every the rates, duties and impositions hereafter mentioned shall be laid, imposed and paid for all liquors, spirits, goods, wares and merchandize hereinafter specified and enumerated, for the use of his Majesty, his heirs and successors, to be appropriated and applied to such uses and purposes as by this Act or any other Act of the General Assembly of this Province now is or shall hereafter be directed and appointed, and to no other use, intent or purpose whatever; that is to say—every pipe of Madera wine, imported within twelve months from the time of passing this Act, eight pounds; and on every pipe of Madera wine, imported after the expiration of the said term of twelve months, that shall contain one hundred and ten gallons, eight pounds; and on every pipe of Madera wine imported, that shall not contain one hundred and ten gallons, eight pounds, and the further sum of one pound for every gallon that such pipe shall want of one hundred and ten gallons; every pipe of Canary, Fyal or Vidonia wine imported, ten pounds; every gallon of rum imported, one shilling and three pence; every barrel of beer, from the northern colonies, ten shillings; every barrel of cyder, from the northern colonies, five shillings; every gallon of molasses imported, five pence; every gallon of brandy or other spirits (rum excepted) imported, two shillings; every hundred pounds weight of brown or Muscovado sugar imported, five shillings; every hundred pounds weight of clayed sugar imported, seven shillings and six pence; every pound of sugar refined in and imported from the Plantations in America, four pence; every hundred pounds weight of cocoa imported, two pounds; every pound of chocolate made up in and imported from the plantations, one shilling; every pound of tobacco imported from the plantations, three pence; every hundred pounds weight of butter or tallow, the produce of the plantations, one pound; every barrel of pork, the produce of the plantations, two pounds; every barrel of beef, of the produce of the plantations, ten shillings; every hundred pounds weight of brown or ship biscuit, made in the plantations, imported, two shillings and six pence; every hundred pounds weight of middling biscuit, made in the plantations, imported, three shillings and nine pence; every hundred pounds weight of white biscuit, made in the plantations, five shillings; every hundred pounds weight of flour, of the produce of the plantations, imported, three shillings and nine pence; every hundred pounds weight of bacon, of the produce of the plantations, imported, one pound and ten shillings; every hundred pounds weight of soap, of the produce of the plantations, imported, one pound; on timber, plank, boards, staves, shingles, or other lumber, imported from any American plantation, twenty pounds upon the value of every hundred pounds; every Indian imported as a slave, fifty pounds; every deer skin imported, six pence; every barrel of pitch, tar and turpentine, imported, one pound; every bushel of pease and Indian corn, when the market price is ten shillings a bushel or under, one shilling; every pound weight of indigo imported, one shilling; every pound weight of whalebone imported, one shilling and six pence; on every pound of tanned leather exported, two pence; every side of neats leather exported, six pence; on every tanned calf skin or deer skin exported, one shilling; on every raw hide exported, twenty shillings; on every Indian dressed deer skin, of a pound weight and upwards, exported, six pence; on every light or damaged deer skin exported, three pence;

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and on every undressed deer skin exported, six pence. Provided, always, that no duty shall be paid for any wines which shall be deemed unmerchable, so that the same be examined and determined within one month after landing of the same; and all the liquors before enumerated, which shall not pay duties by the gallon, shall pay in proportion according to the size of the cask or vessel, to be accounted as the duty is rated per pipe. And in case any of the slaves, liquors, spirits, goods and commodities hereinbefore enumerated, shall be landed and reshipped, they shall be subject to and pay the same duties as if landed and imported, but shall nevertheless be entitled to the drawbacks hereinafter mentioned; but if any of the said slaves or goods, above enumerated, (except pitch, tar, turpentine and pork) shall be only removed from one vessel to another, without being landed, and the property not altered, the same shall be exempted from paying the tax or imposition before imposed; any thing hereinbefore contained to the contrary thereof in any wise notwithstanding.

XVIII. *And be it further enacted* by the authority aforesaid, That every master of a ship or other vessel, or merchant or other person, intending to land here any of the aforesaid liquors, spirits or other goods, on which any duty or imposition is hereby laid, shall, within four and twenty hours after such ship or vessel shall be brought to an anchor before Charlestown, and before bulk be broken, make a general triple entry or three manifests of his lading or cargo, which he shall sign and deliver upon oath to the comptroller of the country duties; which manifests shall contain the marks and numbers of each package or thing containing any of the commodities aforesaid, and also the name of the master and vessel importing the same; a duplicate of which entry shall be signed by the said comptroller and delivered to the public treasurer for the time being, and the same shall also be entered in a book to be kept for that purpose by the comptroller; and the other third part of the said entry shall be signed by the said treasurer, as a permit to the country waiter for the landing of the goods therein specified, after payment is made of the said duties to the treasurer; and the waiter, upon the receipt of such entry, shall give notice thereof to the master or person concerned, and shall also keep a regular file of all such entries and permits so transferred and delivered to him by the treasurer, in order to be a check upon him, and to be perused by a committee of his Majesty's Council or of the Assembly, upon examining and settling the treasurer's accounts.

Master of a vessel with imported goods to make triple entry within 24 hours.

A duplicate entry to be delivered to the public treasurer, who shall sign it as a permit.

Entries to be booked and filed.

XIX. And for the better collecting of the duties above mentioned on goods to be exported, *Be it further enacted* by the authority aforesaid, That every person whosoever intending to export or ship on board for exportation any of the aforementioned goods or commodities shall, before the shipping of the same, make three entries, containing the marks, numbers and contents of the said goods so intended to be shipped, with the name of the master and vessel, and the place to which they are bound, and shall deliver the same upon oath to the comptroller of the country duties aforesaid, who is hereby empowered and required to administer the oath hereby directed to be made for the importing or exporting any of the goods or commodities aforesaid; and the tenor of the said oath is to be that the entries or manifests so made are a true and exact account of all the goods and commodities intended to be imported or exported as aforesaid; and the said entries are to be filed, delivered, and transmitted to the treasurer and one of the waiters, in such manner as is hereinbefore directed. And the powder receiver for the time being, is hereby strictly enjoined, directed and required, not to permit any vessel to depart from the said port of

Exporters to make three entries or manifests on oath, and deliver them to the comptroller of country duties.

Tenor of the oath.

A. D. 1751. Charlestown, until a permit is produced to him, signed by the treasurer, for such departure.

Duties to be paid before the goods are put on board for exportation, or taken out of the vessel when imported.

Duties made payable in 3 months on being secured to the satisfaction of the treasurer.

Oath to be taken by the person making entry that he has not been privy to the illicit landing of any goods from the vessel.

Penalty on illicit landing of goods.

The waiter to act under the direction of the comptroller and treasurer.

XX. And to the end that the rates, duties and impositions laid and imposed by virtue of this Act, may be the more speedily and effectually received and collected by the public treasurer, *Be it further enacted* by the authority aforesaid, That all sums of money payable or demandable for the said duties, in manner and proportion hereinbefore laid and imposed, shall be paid to the public treasurer by the importer or exporter, before the liquors, spirits, goods or merchandize hereinbefore enumerated and liable to the duty aforesaid, or any of them, shall be put on board any vessel in order to be exported, or taken out from any vessel in order to be imported, on any colour or pretence whatsoever. And the said public treasurer is hereby required not to deliver any permit for the shipping on board or landing on shore any of the said enumerated commoditys for which duties shall be due and payable as aforesaid, until the said duties are actually paid, except for goods imported by or consigned to any of the merchants or factors actually here residing who shall not be liable to pay the said duties sooner than three months after importation, if they desire such a forbearance, and provided they pass their notes and give security to the satisfaction of the treasurer, if desired so to do, for the punctual payment of the said duties at the expiration of the said three months; and provided that all transient factors on their entering into bonds to the treasurer with sufficient sureties, being inhabitants of this Province, for the faithful payment of the said duties on any liquors, spirits, or goods imported, within the term of three months after such importation, or sooner, if he or they shall depart this Province, shall be entitled to a forbearance for that time, if they shall desire it.

XXI. *And be it further enacted* by the authority aforesaid, That at such time as the master of any vessel, or the merchant, factor, or super-cargo shall make his or their general entrys or manifests with the comptroller, he or they making such entrys or manifests shall also make oath that he or they have not put on shore, nor were privy to the putting on shore in the port of Charlestown aforesaid or in any other port or place in this Province, nor put into any boat or vessel in order to be landed, any of the liquors, spirits, goods, or commoditys hereinbefore rated and enumerated, before the making of his or their general entry or manifest as aforesaid, under pain of forfeiting the sum of fifty pounds proclamation money for every neglect or refusal to make the said oath, to be recovered and applied as is hereinafter directed; and in case any master of any ship or vessel, merchant, factor, or other person, shall put on shore any of the said liquors, spirits, or commoditys, or shall put any of them into any boat or vessel in order to land the same, before a permit is duly obtained from the treasurer for that purpose in manner hereinbefore directed, all such liquors, spirits, and commoditys so landed or put on board any boat or other vessel in order to be landed, shall be forfeited and applied to the uses hereinafter mentioned; and all persons are hereby required to be aiding and assisting to the said comptroller, treasurer, and waiter, or to any other agents, informers, seizers, or discoverers, in case of their meeting with opposition in seizing or searching for any of the said enumerated liquors, spirits, or commoditys, unladed or landed contrary to the true intent and meaning of this Act.

XXII. *And be it further enacted* by the authority aforesaid, That the waiter for the time being shall be under the direction of the comptroller and treasurer, and shall from time to time follow their orders and instructions relating to the execution of this Act, and shall be allowed yearly the sum of one hundred pounds current money as a salary for being country

waiter, to be paid out of the duties arising on the liquors, spirits, goods, and commoditys hereinbefore rated and enumerated; and in case the said waiter shall make default in any part of his duty in relation to the execution of this Act, the said comptroller and treasurer shall complain thereof to the General Assembly at their next meeting, that such waiter may be removed or mulcted of his salary, as the General Assembly shall think proper.

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His allowance.

XXIII. *And be it further enacted* by the authority aforesaid, That none of the liquors, spirits, goods, or commoditys hereinbefore enumerated for paying a duty on importation as aforesaid, shall be landed or put on shore, but in the day time, between sun rise and sun set, on pain of all such liquors, spirits, goods, and commoditys being seized and forfeited.

All liquors and goods to be landed between sun rise and sun set.

XXIV. And forasmuch as the several duties imposed by this law may be evaded in case any master, owner, factor, or other person, should be at liberty to sell or retail any of the liquors, spirits, goods, or commoditys on board the ship or vessel in which the same are imported, or in any boat or other vessel wherein the same may be put, *Be it therefore enacted* by the authority aforesaid, That no master, owner, factor, super-cargo, or other person, shall be at liberty to barter or sell by wholesale or retail on board any ship or vessel that shall come into this Province, any of the liquors, spirits, or goods afore rated, (corn and peas only excepted) on pain of forfeiture of all such goods, spirits, and liquors, and moreover the sum of forty pounds current money, for every such offence, to be recovered from the seller in manner hereinafter directed.

No master or factor to sell goods on board.

XXV. And for preventing disputes about the quantity of liquors or spirits and sugars imported and to be rated, *It is hereby further enacted*, by the authority aforesaid, That the importer without gaging the said liquors or spirits or weighing the said sugars, if Muscovado or brown sugars, and not other sugars, shall be allowed ten per centum for leakage or wastage upon his invoice and entry made as aforesaid; but if the owner or importer shall suspect the leakage or wastage to be greater, then the waiter shall gage the said liquors or spirits, or weigh the said sugars, and such leakage or wastage, if entered with the comptroller, and not otherwise, shall be allowed; and if at any time the comptroller, treasurer, or waiter shall suspect any cask, pipe, or hogshead to contain a greater quantity than it is entered for, then the same, if liquors or spirits, shall be gaged by cubical inches, and if sugar, shall be weighed, and if a surplus quantity shall be discovered, the importer shall pay the duty for such surplus, and shall make a new entry of such surplus, and shall pay for the gaging or weighing each pipe, hogshead, or cask so found to contain a surplus, the sum of ten shillings current money to the officer gaging or weighing the same.

Allowance for leakage and wastage.

Casks and packages may be gaged.

XXVI. *And be it further enacted* by the authority aforesaid, That if any skins, hides, or tanned leather, or other merchandize liable to pay a duty on exportation of the same, by virtue of this Act, shall be put on board any ship or vessel before entry thereof is duly made as aforesaid, and a permit for that purpose obtained as is hereinbefore directed, all and every the said skins, hides, leather, and merchandize so put on board contrary to the true intent and meaning of this Act, shall be forfeited and disposed of as is hereinafter directed.

Goods liable to duty put on board without entry thereof, to be forfeited.

XXVII. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful to and for the comptroller, treasurer, or waiter, with any of their agents or informers, by virtue of a warrant from any justice of the peace, with one or more constables to enter and search in

Warrant may issue to search any suspected places.

A D. 1751.

the day time, all cellars, shops, ware-houses, and suspected places, and the same to break open, if leave to enter be refused by the owner, and there to search and rummage for any liquors, spirits, goods, and commoditys hereinbefore rated and enumerated, and which they shall be informed were there carried and shall be concealed contrary to the true intent and meaning of this Act, and the same if discovered shall be seized and forfeited; provided that such seizure be made within three months after the time of the offence committed.

The treasurer, comptroller or waiter may on suspicion enter and search any vessel in the day time for skins and leather put on board without entry.

Penalty on resisting the search.

Liquors, &c. re-exported within six months entitled to a drawback of 3 fourths of the duty paid, on oath made that the duties were paid.

The public treasurer appointed treasurer under this Act.

Comptroller and treasurer to give daily attendance.

XXVIII. *And be it further enacted* by the authority aforesaid, That the comptroller, treasurer, and waiter, or any or either of them, be enabled and authorized, and they are hereby enabled and authorized, on suspicion of any skins, hides, or tanned leather, being put on board of any ship or vessel, to go and enter on board any such ship or vessel in the day time, and make search in all parts and places therein, and if need be to break open any locks, chests, casks, bales, or packages, whatever, if denial be made to open the same; and if any skins, hides, tanned leather, or other commoditys liable to pay a duty on exporting of the same, shall be found on board, whereof due entry had not been made as by this Act is required, all such skins, hides, tanned leather, and commoditys, shall be brought on shore, condemned, and forfeited; and if any person shall forcibly resist, encourage, or assist in opposing or hindering the comptroller, treasurer, or his deputy, or the waiter, in the due execution of this Act, every such person shall, for every such offence, forfeit and pay the sum of one hundred pounds current money, to be recovered and disposed of as is hereinafter directed.

XXIX. *And be it further enacted* by the authority aforesaid, That if any of the aforesaid liquors, spirits, goods, and commoditys, be landed and afterwards exported within six months after the importation, the treasurer for the time being shall discount or repay to the owners, or their assigns, three-fourth parts of the duty of such liquors, spirits, goods, or commoditys, according to the rates aforementioned; provided that the person applying for such drawback before the departure of the vessel do make positive oath before the comptroller, who is hereby empowered to administer the same, that the liquors, spirits, goods, or commoditys, for which such drawback is required, were imported within the term of six months next before, and shall specify the master and ship or vessel in which they were imported, and shall also swear that dutys were actually paid or secured to be paid on importing of the same, in which case the treasurer shall grant a permit for the exportation of the said goods, on the exporter's first entering with the comptroller the quantity of the liquors, spirits, or other commoditys so to be exported.

XXX. *And be it further enacted* by the authority aforesaid, That the person nominated and appointed public treasurer of this Province by the General Assembly is hereby appointed receiver of all taxes, dutys, dues, penaltys, and forfeitures growing due and payable to his Majesty for the use of the public of this Province by virtue of this Act, of which he shall fairly keep and render an accompt from time to time when thereunto required by his Majesty's council or the assembly of this Province, and shall have, take, and receive all such fees, perquisites, and profits, as by this Act is hereafter given and appointed.

XXXI. *And be it further enacted* by the authority aforesaid, That the comptroller and treasurer for the time being, shall, upon every day in the week, (Sundays and holidays excepted) give attendance at their respective offices in Charlestown from the hour of nine to the hour of twelve in the forenoon, on pain of forfeiting the sum of fifty pounds current money

for every neglect, to be recovered and disposed of as is hereinafter directed. A. D. 1751.

XXXII. *And be it further enacted* by the authority aforesaid, That all and singular the fines, penaltys, and forfeitures of or under the sum of twenty pounds current money of this Province, which shall be incurred or become due by virtue of this Act, shall and may be sued for and recovered as is directed by the Act intituled an Act for the tryal of small and mean causes, and for repealing the several Acts now in force which relate to the recovery of small debts; and the several fines, penaltys, and forfeitures exceeding the sum of twenty pounds current money, shall and may be sued for, prosecuted, and recovered by action of debt, bill, plaint or information in any court of record in this Province, wherein no essoign, privilege, protection, or wager of law shall be allowed or admitted, nor any more than one imparlance; and one moiety of all the respective forfeitures that shall be incurred by virtue of this Act, which are not hereinbefore particularly appropriated, shall enure and be to the use of his Majesty, and shall be applied and paid as shall from time to time be directed by the General Assembly, and the other moiety thereof shall go to him or them who will inform and prosecute for the same; provided that such fines, penaltys, and forfeitures be sued for within three months after the offence committed, and not after.

Mode of recovering fines and forfeitures.

Suit to be brought within 3 months.

XXXIII. *And be it further enacted* by the authority aforesaid, That if any liquors, spirits, goods, or commoditys, shall be seized for any offence committed or done against this Act, or the property be claimed by any person or persons as importer or exporter thereof, the burthen of the proof shall lie upon the owner or claimer, and not upon the prosecutor or informer.

Burthen of proof shall lie on the owner or claimant.

XXXIV. *And be it further enacted* by the authority aforesaid, That out of the moneys arising from the duties and impositions laid, imposed, or incurred by virtue of this Act, on account of the importing or exporting any of the liquors, spirits, goods, wares, or merchandize hereinbefore enumerated, (negroes excepted) shall be paid and satisfied the yearly salarys of the ministers of the gospel, and all the salarys of the clerks and sextons, of each parish in this Province; and the salarys of the masters of the free school in Charlestown; and to the treasurer for the time being, in compensation for his trouble, shall be allowed two and an half per centum for all moneys he shall receive in duties on the commoditys hereinbefore enumerated, and two and an half per centum on all moneys he shall pay out of the same; and the said allowance shall be in lieu of all salarys which have or might have been allowed for the receiving or paying of duties by any law or laws of this Province; any thing contained in such law or laws notwithstanding; and to the comptroller shall be paid out of the said duties, a yearly salary of sixty pounds current money; and the said comptroller and treasurer shall be and they are hereby empowered, to demand, receive and take the sum of five shillings current money, for every entry made with them in their respective offices by virtue of this Act.

Appropriation.

XXXV. *And be it also enacted* by the authority aforesaid, That there shall be paid out of the said moneys arising as aforesaid the sum of five thousand pounds per annum for repairing the old and building new fortifications in this Province; and the commissioners for the said fortifications for the time being shall have power and authority, and they or the major part of them are hereby fully authorized and empowered, to make draughts upon the public treasurer for the time being from time to time for all such sum or sums of money as shall be necessarily expended in

Appropriation for fortifications.

A. D. 1751.

Other appro-
priations.

and about the fortifications aforesaid, which draughts the said treasurer shall pay out of the moneys hereby appropriated to that use; and that there shall be paid out of the said moneys the further sum of one thousand and five hundred pounds per annum for the building of a new church on or near the place where the old church formerly stood, in the church yard fronting broad street in Charlestown; and the further sum of two hundred pounds per annum for the building of a parsonage house upon that part of the said church yard next adjoining the lands belonging to the heirs of John Wright, deceased, fronting meeting street; and the further sum of two hundred pounds per annum toward keeping the church of St. Philip in repair; and that there be also paid out of the said moneys the further sum of two thousand and five hundred pounds per annum for the building of a state house in Charlestown; which said several sums of one thousand and five hundred pounds, two hundred pounds, and two thousand and five hundred pounds per annum, respectively, shall be paid out of the public treasury for the uses aforesaid, in such manner as shall be directed and appointed by particular laws made or to be made for those purposes, and not otherwise.

Surplus to be
appropriated
hereafter.

XXXVI. *And be it further enacted* by the authority aforesaid, That whatever surplus shall be remaining of the said dutys on the commoditys hereinbefore enumerated, after paying the several demands and outgoings by this Act directed, every such surplus shall be carefully retained by the said public treasurer until appropriated by the General Assembly.

One half the
forfeited goods
to the informer,
and the other
half to the
public.

XXXVII. *And for the encouragement* of waiters and other officers and persons to be watchful and careful in the discovering of frauds in importing and exporting goods, without a permit being first had and obtained from the treasurer as aforesaid, *Be it further enacted* by the authority aforesaid, That one moiety of all the liquors, spirits, goods or commoditys, which from time to time shall be seized and forfeited by virtue of this Act, shall go to his Majesty, and be applied as by the General Assembly shall be directed and appointed, and the other moiety shall go to the person who shall seize, secure and sue for the same, to be tried, heard, adjudged and determined in the court of common pleas in this Province, which court is hereby vested with all the powers and authorities for the trying, hearing, adjudging and determining any offence, penalty or forfeiture, incurred by virtue of this Act, in the same manner as the court of exchequer, in that part of the kingdom of Great Britain called South Britain, where the value of the seizure or forfeiture shall exceed twenty pounds current money; and where the value shall not exceed twenty pounds, the same shall be heard and determined by any two justices of the peace of the county where the seizure shall be made or the offence committed, who shall proceed in the most summary manner to declare the forfeiture or acquittal of the same.

Where the
value shall not
exceed £20.

No replevin for
goods seized.

XXXVIII. *And be it further enacted* by the authority aforesaid, That no replevin shall lye nor be granted for the delivery of any liquors, spirits, goods or commoditys, seized by virtue of this Act; but that the chief justice or justices of the court of common pleas in this Province, may make an order in case of goods perishable only, to have the same appraised and valued, upon giving security for such goods.

General issue
may be pleaded
and this Act
given in
evidence.

XXXIX. *And be it further enacted* by the authority aforesaid, That if any action or suit shall be brought or prosecuted in any court of record in this Province against the said public treasurer, comptroller, waiter or waiters, or any other person or persons whomsoever, for any matter or thing done or to be done by them or any of them, by virtue of or in pursuance of the direction of this Act, it shall and may be lawful to and for

such public treasurer, comptroller, waiter or waiters, and other person and persons, to plead the general issue, and give this Act and the special matter in evidence; and in case the plaintiff or plaintiffs in such action or suit, shall discontinue, become non suit, or a verdict shall pass against him or them, that then the judge and judges of such court shall tax and allow to such defendant and defendants, his and their double costs of suit, for which every such defendant and defendants shall have like remedy as in other cases when costs by law are given to the defendants; and this Act is hereby declared to be a public Act, and as such to be taken notice of in all courts in this Province, without special pleading.

A. D. 1751.

XL. And forasmuch as the taxes on the first purchasers of negroes and other slaves imported, and the duties on liquors, spirits, goods and commoditys, heretofore imposed by any former Act or Acts made in this Province, and not yet expired, are comprised, laid and imposed by this Act; and it being the design and intention of this Act, that no tax, duty or imposition, should be paid on such slaves, liquors, spirits, goods or commoditys but according to the directions of this Act, *Be it therefore further enacted* by the authority aforesaid, That all and every person and persons whoever, shall be and they are hereby declared to be, exempted from the payment of all taxes whatever heretofore laid or imposed on the first purchasers of negroes and other slaves imported, and also from the payment of all duties heretofore laid or imposed upon any of the liquors, spirits, goods or commoditys herein enumerated by any former or other law or laws made in this Province; and that such person and persons shall be subject and liable only to the payment of the taxes and duties imposed and laid by this Act; any thing contained in any such law or laws, to the contrary thereof in any wise notwithstanding.

Dutys laid by
former Acts
superceded by
the present
Act.

XLI. *And be it further enacted* by the authority aforesaid, That this Act and every article and thing herein contained, shall continue and be of force for the term of ten years from the passing of this Act, and from thence to the end of the next session of the General Assembly after, and no longer.

Limitation ten
years.

ANDW. RUTLEDGE, *Speaker.*

In the Council Chamber, June the 14th, 1751.

Assented to: JAMES GLEN.

AN ACT TO REVIVE AND CONTINUE THE SEVERAL ACTS OF THE GENERAL ASSEMBLY OF THIS PROVINCE THEREIN MENTIONED, AND FOR AMENDING ONE OF THE SAID ACTS ENTITLED *An Additional Act to an Act entitled an Act for the better regulating Taverns and Punch Houses*, AND FOR APPLYING THE MONIES ARISING BY THE SAID ADDITIONAL ACT, INSTEAD OF PAYING THE WATCH AND GUARD IN CHARLESTOWN, TOWARD DISCHARGING THE ADDITIONAL PAY GRANTED BY THIS GOVERNMENT TO HIS MAJESTY'S INDEPENDENT COMPANYS, DOING DUTY IN THIS PROVINCE.

No. 794.

WHEREAS, several wholesome and beneficial temporary laws of this Province are expired or near expiring, we therefore humbly pray his most sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Excellency James Glen, Esq., Governor-in-chief and Captain General in and over the Province of South Carolina, by

A. D. 1751.

and with the advice and consent of his Majesty's honorable Council and the House of Assembly of this Province, and by the authority of the same, That an Act entitled an Act for making more useful Fort Johnson and Fort Frederick, and the several Look-outs that now are or shall hereafter be kept or established near any of the inlets in this Province, passed the fifth day of April, one thousand seven hundred and forty; and also one other Act entitled an Act for settling a Ferry on Santee river, in the way leading from Charlestown to Williamsburg, and for vesting the said ferry in Joseph Murray, his executors, administrators and assigns, for the term of seven years, and to enable the commissioners of the public roads near the said ferry to lay out, make and keep in repair a road on each side of the said river leading towards the said ferry, and for declaring the road leading from Wadboo bridge to Palmer's Ferry to be a private road, and for continuing the roads in the parish of St. John in Berkley county to the places therein mentioned, passed the eighth day of March, one thousand seven hundred and forty-one: And also one other Act entitled an additional Act to an Act entitled an Act for the better regulating Taverns and Punch Houses, passed the eighth day of March, one thousand seven hundred and forty-one—except the latter part of the eleventh paragraph for applying the money arising by tavern licences, which instead of paying the Watch and Guard in Charlestown, shall be and is hereby appropriated and applied toward discharging the additional pay granted by this Government to the subaltern officers and men of his Majesty's independent companies doing duty in this Province—and provided, that the Governor or Commander-in-chief of this Province for the time being, shall have power, with the advice and consent of his Majesty's Council, to limit the number of tavern licences to be granted in this Province, any thing in the said additional Act to the contrary notwithstanding: And also one other Act entitled an Act for rendering and making the office of a constable more easy and less expensive to the persons appointed, passed the eighth day of March, one thousand seven hundred and forty-one: And also one other Act entitled an Act for the more effectual relief of insolvent debtors, and for that purpose putting in force and effectually carrying into execution in this Province such part of an Act made in the Parliament of Great Britain, in the second year of his present Majesty's reign, entitled an Act for the relief of debtors with respect to the imprisonment of their persons, as is thereafter mentioned, passed the twenty-ninth day of May, one thousand seven hundred and forty-four: And also one other Act entitled an Act for the farther preventing the spreading of contagious or malignant distempers in this Province, passed the twenty-ninth day of May, one thousand seven hundred and forty-four: And also one other Act entitled an Act to prevent frauds and deceits in selling rice, pitch, tar, resin, turpentine, beef, pork, shingles, staves and firewood, and to regulate the weighing the several commoditys and merchandize in this Province, passed the seventeenth day of June, one thousand seven hundred and forty-six: And also one other Act entitled an Act for the better establishing and regulating of Patrols in this Province, passed the seventeenth day of June, one thousand seven hundred and forty-six: And also one other Act entitled an Act for licencing Hawkers and Pedlars and petty chapmen, and to prevent their trading with indented servants, overseers, negroes and other slaves, passed the eleventh day of September, one thousand seven hundred and thirty-seven: And also one other Act entitled an Act for the further security and better defence of this Province, passed the eighteenth day of September, one thousand seven hundred and thirty-eight: And also one other Act entitled an Act concerning Masters and Apprentices, passed

the twenty-eighth day of February, one thousand seven hundred and forty : And also one other Act entitled an Act for the better security of this Province against the insurrections and other wicked attempts of Negroes and other Slaves, passed the seventh day of May, one thousand seven hundred and forty-three : And also one other Act entitled an additional and explanatory Act to an Act entitled an Act to empower the several commissioners of the high roads, private paths, bridges, creeks, causeys and cleansing of water passages in this Province of South Carolina, to alter and lay out the same, for the more direct and better convenience of the inhabitants thereof, passed the third day of July, one thousand seven hundred and forty-one—except such parts of any of the said Acts as may have been amended, altered or repealed by any subsequent Act or Acts ; all which subsequent Act and Acts, in so far as they amend, alter or repeal any of the before enumerated Acts, are hereby declared to be of force during the continuance of this Act—be, and they are hereby declared to be, revived, continued, and enacted to be of full force and virtue, for and during and unto the full end and term of seven years from and after the passing of this Act, and from thence to the end of the then next session of the General Assembly, and no longer.

A. D. 1751.

ANDREW RUTLEDGE, *Speaker*.

In the Council Chamber, the 14th day of June, 1751.

Assented to : JAMES GLEN.

AN ACT for dividing the parish of St. Philip's, Charlestown, and for establishing another parish in the said town, by the name of St. Michael, and for appointing commissioners for the building of a church and a parsonage house in the said parish, and for appointing one member more to represent the inhabitants of the said town in the General Assembly of this Province, and for ascertaining the number of members to represent the inhabitants of the said parishes respectively in the said Assembly, and providing an addition to the salary of the present Rector of the parish of St. Philip's during his incumbency.

No. 795.

(Passed June 14, 1751. *See last volume.*)

AN ACT granting to his Majesty the sum of Twenty-five Thousand Pounds for building of a State House in Charlestown, for the service of this Government, and for appointing and empowering commissioners to execute the same.

No. 796.

(Passed June 14, 1751. *See last volume.*)

A. D. 1751.

No. 797. *AN ORDINANCE* FOR IMPOWERING THE GOVERNOR OF THIS PROVINCE FOR THE TIME BEING, WITH THE ADVICE AND CONSENT OF HIS MAJESTY'S HONORABLE COUNCIL, AND THE OTHER PERSONS THEREIN NAMED (BEING MEMBERS OF THE PRESENT GENERAL ASSEMBLY) TO MAKE SUCH BY-LAWS, ORDINANCES, RULES AND ORDERS FOR PRESERVING PEACE AND CONTINUING A GOOD CORRESPONDENCE WITH THE INDIANS IN AMITY WITH THIS GOVERNMENT, AND FOR REGULATING THE TRADE WITH THE SAID INDIANS, AS THEY SHALL THINK NECESSARY, FOR THE TERM THEREIN MENTIONED.

Preamble.

WHEREAS, the Act of the General Assembly of this Province entitled an Act for preserving peace and continuing a good correspondence with the Indians in amity with this Government of South Carolina, and for regulating the trade with the said Indians, is expired; and whereas, it may be attended with dangerous consequences to leave all persons at liberty to go into the Indian nations as they please, without being under any restraint; and whereas, the General Assembly, by reason of the unseasonable time of the year, and of the sickness and absence of many of the members, cannot at this time conveniently continue sitting to make a law to provide remedies for these evils, and it being therefore become absolutely necessary that a power should be established to make such regulations as may be thought necessary for these purposes, until the General Assembly should provide for the same,

Governor and certain members of Assembly empowered to make regulations for preserving peace with the Indians.

I. *Be it therefore ordained*, by His Excellency James Glen, Esquire, Governor-in-chief and Captain General, in and over the Province of South Carolina, by and with the advice and consent of his Majesty's honorable Council and the House of Assembly of the said Province, and by the authority of the same, That the Governor or Commander-in-chief of this Province for the time being, shall have power and authority, and he is hereby authorized and empowered, by and with the advice and consent of his Majesty's honorable Council, and of John Dart, Benjamin Smith, Isaac Mazyck, William Brisbane, Jordan Roche, David Deas and Thomas Glen, Esquires, (being members of the present General Assembly) or a majority of the said members, to make such by-laws, ordinances, rules and orders for preserving peace and continuing a good correspondence with the Indians in amity with this Government, and for the better regulating the trade with the said Indians, as the said Governor, Council, and a majority of the said persons above named, shall think necessary and convenient for those purposes; and all and every such by-law, ordinance, rule and order, so to be made for the purposes aforesaid, shall have the same force, authority, power and efficacy as any law or Act made by the General Assembly of this Province may or can have, to all intents, constructions and purposes whatsoever; any law, usage or custom to the contrary thereof in any wise notwithstanding.

II. *Provided always, and be it further ordained* by the authority aforesaid, That such by-laws, ordinances, rules and orders, be not repugnant to the laws of Great Britain nor of this Province, but as near as may be agreeable to the same; and provided also, that no punishment or penalty in any such by-laws, ordinances, rules or orders, shall extend to life or limb; and provided, that all such by-laws, ordinances, rules and orders, be signed by the Governor or Commander-in-chief for the time being, one of the

members of his Majesty's honorable Council, and one of the said persons above named. A. D. 1751.

III. And the better to enforce such by-laws, ordinances, rules and orders, as may or shall be made as aforesaid, *Be it further ordained* by the authority aforesaid, That in case any person or persons whosoever shall incur any penalty or forfeiture, to be laid, imposed or inflicted by any such by-law, ordinance, rule or order, he and they shall and may be sued and prosecuted for such penalty or forfeiture, and the same shall and may be recovered in like manner as any penalty or forfeiture may or can be sued for and recovered by virtue of any Act or Acts of the General Assembly of this Province; and such person and persons shall be held to bail to answer such suit or prosecution; any law, usage or custom to the contrary thereof in any wise notwithstanding. Persons offending may be prosecuted.

IV. *And be it further ordained* by the authority aforesaid, That this Ordinance and every matter and thing herein contained shall continue and be of force for and during the term of six months from the passing hereof, and no longer, unless the General Assembly of this Province shall sooner make some other provision in this behalf. Limitation, six months.

In the House of Assembly, the 31st day of August, 1751.

By order of the House.

ANDREW RUTLEDGE, *Speaker.*

In the Council Chamber, the 31st day of August, 1751.

Assented to: JAMES GLEN.

AN ORDINANCE for appointing a Controller and a Receiver of the Country Dutys for the Port of Georgetown, Winyaw. No. 798.

(Passed May 8, 1752. The original too much torn to be copied.)

AN ACT FOR APPROPRIATING THE DUTYS IMPOSED BY LAW ON GOODS, WARES AND MERCHANDIZES IMPORTED INTO AND EXPORTED OUT OF THE PORT OF GEORGETOWN, WINYAW, FOR THE TERM THEREIN MENTIONED, TOWARD FINISHING THE CHURCH ERECTED IN THE SAID TOWN. No. 799.

WHEREAS, the fund heretofore appropriated and the moneys contributed by well disposed persons for the building of a church at Georgetown, in Prince George parish, have not been sufficient to finish the said church; we therefore humbly pray his most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted*, by his Excellency James Glen, Esq., Governor-in-chief and Captain General in and over the Province of South Carolina, with the advice and consent of his Majesty's honorable Council and the House of Assembly of the said Province, now met in General Assembly,

A. D 1752.

Act of June 14,
1751, referred
to.

Appropriation
for finishing the
church of
Prince George,
Winyaw.

and by the authority of the same, That all the moneys which have arisen or which shall hereafter arise (during the continuance of this Act) by the dutys imposed in and by an Act of the General Assembly entitled an Act for the better strengthening of this Province, by granting to his Majesty certain taxes and impositions on the purchasers of negroes and other slaves imported, and for appropriating the same to the uses therein mentioned, and for granting to his Majesty a duty on liquors and other goods and merchandize, for the uses therein mentioned, and for exempting the purchasers of negroes and other slaves imported from payment of the tax, and the liquors and other goods and merchandize from the dutys imposed by any former Act or Acts of the General Assembly of this Province, passed the fourteenth day of June, one thousand seven hundred and fifty-one, on any goods, wares or merchandize whatever (the taxes imposed on the first purchasers of negroes and other slaves excepted) imported into or exported out of the port of Georgetown, Winyaw, shall be and are hereby appropriated for and toward defraying the expence of finishing the church of Prince George's parish; and the late receiver of the said dutys for the said port, and the receiver of the said duties for the time being, shall be and they are hereby obliged, enjoined and required, to pay all the moneys by them respectively received or to be received on account of the said dutys, into the hands of the commissioners for building the said church, for the time being, or the majority of them, to be by them applied for defraying the expence of finishing the said church, and to and for no other use or purpose whatever.

II. *And be it further enacted* by the authority aforesaid, That the said commissioners shall annually transmit to the public treasurer of this Province for the time being, a true and just accompt of all the moneys which shall by them be received and expended in pursuance of the directions of this Act, to the intent that such accompts may be inspected (if need be) by the committees of the Council and Assembly, when the said treasurer's accompts shall be audited.

Limitation,
three years.

III. *And be it further enacted* by the authority aforesaid, That this Act shall continue and be of force for the term of three years, and no longer.

ANDREW RUTLEDGE, *Speaker.*

In the Council Chamber, the 16th day of May, 1752.

Assented to: JAMES GLEN.

A. D. 1752.

No. 800.

AN ACT FOR APPROPRIATING THE DUTYS IMPOSED BY LAW ON GOODS, WARES AND MERCHANTIZE IMPORTED INTO AND EXPORTED OUT OF THE PORT OF BEAUFORT, PORT ROYAL, FOR THE TERM THEREIN MENTIONED, TOWARD BUILDING AND KEEPING IN REPAIR A PILOT BOAT OR BOATS, TO ATTEND THE BAR OF THE HARBOUR OF THE SAID PORT, AND FOR THE BETTER SETTLING AND REGULATING THE PILOTAGE OF THE SAID HARBOUR, AND FOR APPOINTING A CONTROLLER AND A RECEIVER OF THE COUNTRY DUTYS FOR THE SAID PORT, AND FOR OBLIGING ALL SHIPS AND OTHER VESSELS TRADING TO THE SAID PORT TO PAY POWDER DUTY.

WHEREAS, the small number of ships and other vessels trading to Beaufort, Port Royal, are not sufficient to encourage a pilot or pilots to furnish themselves with boats for the use of the harbour of the said port; and whereas, a tax was imposed by an Act passed the twenty-ninth day of June, one thousand seven hundred and forty-eight, entitled an Act for building and keeping in repair a pilot boat, to attend the bar of the harbor of Beaufort, Port Royal, and for the better settling and regulating the pilotage of the said harbor, on the inhabitants and owners of settled plantations in the parishes of St. Helena, Port Royal, and Prince William, for the building of a pilot boat and keeping the same in repair, which tax hath been found not only burthensome to the inhabitants and owners of settled plantations aforesaid, but also very difficult and inconvenient to collect; we therefore humbly pray his most sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Excellency James Glen, Esq., Governor-in-chief and Captain-General in and over the Province of South Carolina, with the advice and consent of his Majesty's Council and the Assembly of the said Province, now met in General Assembly, and by the authority of the same, That all the dutys laid and imposed by an Act of the General Assembly entitled an Act for the better strengthening of this Province by granting to his Majesty certain taxes and impositions on the purchasers of negroes and other slaves imported, and for appropriating the same to the uses therein mentioned, and for granting to his Majesty a duty on liquors and other goods and merchandize, for the uses therein mentioned, and for exempting the purchasers of negroes and other slaves imported from payment of the tax, and the liquors and other goods and merchandize from the dutys imposed by any former Act or Acts of the General Assembly of this Province, passed the fourteenth day of June, one thousand seven hundred and fifty-one, which have already been or which shall hereafter, for and during the continuance of this Act, be collected or received for or on account of any goods, wares or merchandize whatever (the tax on the first purchasers of negroes and other slaves imported, excepted) imported into or exported out of the port of Beaufort, Port Royal, shall be and are hereby appropriated toward defraying the expence of building or purchasing a pilot boat or boats to attend the harbour of Beaufort, Port Royal, and for keeping the said boat or boats in repair; which dutys shall be paid into the hands of the commissioners hereinafter named, in such manner as is hereinafter directed and appointed.

Act of June 14,
1751, referred
to.

Appropriation
to build a pilot
boat at Beau-
fort.

A. D. 1752.

Tax laid by a
former Act not
to be assessed.

II. *And be it further enacted* by the authority aforesaid, That the tax imposed on the inhabitants of and owners of settled plantations in the parishes of St. Helena, Port Royal, and Prince William, by the Act entitled an Act for building and keeping in repair a pilot boat to attend the bar of the harbor of Beaufort, Port Royal, and for the better settling and regulating the pilotage of the said harbor, shall not from henceforth be assessed, levied, or collected; any thing in the said Act contained notwithstanding.

Commissioners
nominated.

III. *And be it further enacted* by the authority aforesaid, That Colonel Nathaniel Barnwell, Col. Thomas Wigg, Mr. John Barnwell, Mr. Charles Purry, and Mr. John Smith, shall be, and they or any three or more of them are hereby appointed commissioners for putting this Act in execution; and the said commissioners shall be, and they or any three or more of them are hereby authorized, impowered, and required to build or purchase a pilot boat or boats, and to keep the same in repair; the property of which boat or boats shall be, and is hereby vested in the said commissioners and their successors, for the use of the said harbor of Beaufort, and shall be by them delivered into the custody and care of the pilot or pilots for the said harbor, who shall obtain branches or licences in the manner hereinafter directed.

Commissioners
may appoint
the pilots.

IV. *And be it further enacted* by the authority aforesaid, That the said commissioners or any three or more of them, shall be, and they are hereby impowered, authorized, and required to nominate and appoint such fit and competent person or persons to act as pilot or pilots for the conducting vessels inward to or outward from the said port of Beaufort, as they shall judge proper; and every master or skipper of any ship or other vessel, for the consideration of the pilotage of such ship or other vessel, inward to or outward from the said port, shall pay unto the licensed pilot, who shall take charge of the same, the following rates: (that is to say,) for six feet of water, inward or outward, three pounds and fifteen shillings; for seven feet, five pounds; for eight feet, six pounds and five shillings; for nine feet, seven pounds and ten shillings; for ten feet, eight pounds and fifteen shillings; for eleven feet, ten pounds; for twelve feet, eleven pounds and five shillings; for twelve feet and an half, twelve pounds and ten shillings; for thirteen feet, thirteen pounds and fifteen shillings; for thirteen feet and an half, fifteen pounds; for fourteen feet, sixteen pounds and five shillings; for fourteen feet and an half, seventeen pounds and ten shillings; for fifteen feet, eighteen pounds and fifteen shillings; for sixteen feet, twenty-five pounds; for seventeen feet, thirty-one pounds and five shillings; for eighteen feet, thirty-seven pounds and ten shillings; for nineteen feet, forty-five pounds; for twenty feet, sixty-five pounds and fifteen shillings, current money of this Province; provided that no decked perriauga or coasting boat shall be obliged to pay any pilotage that are coming or going coastways.

Fees of pilot-
age.

Commissioners
dying or remo-
ving.
Governor may
disapprove an
appointment.
Commissioners
to account with
the public
treasurer on
oath.

V. *And be it further enacted* by the authority aforesaid, That in case any of the said commissioners shall happen to dye, depart this Province, or refuse to act, then any three of the remaining commissioners shall have power to nominate and appoint another commissioner in the room of him that shall so dye, depart this Province, or refuse to act; and such commissioner so appointed shall have the same powers and authorities in all respects as those particularly named in this Act, until the Governor or Commander-in-chief for the time being shall signify his disapprobation of the said appointment, and no longer; provided nevertheless that the said disapprobation be signified to the said commissioners within the space of three months next after the said appointment; and the said commissioners

shall once in every year, or oftener if required, transmit a just and true account upon oath to the public treasurer in Charleston, to be laid before the General Assembly, of all such sum and sums of money as shall be by them received and expended in virtue of this Act.

A. D. 1752.

VI. *And be it further enacted* by the authority aforesaid, That Mr. Charles Purry shall be, and he is hereby appointed controller of the country dutys for the said port of Beaufort; and that Mr. Samuel Hurst shall be receiver of the said dutys for the said port, subject always nevertheless to be displaced at pleasure of the General Assembly; and the said receiver, and the receiver of the said dutys for the time being, shall be, and he is hereby obliged, enjoined, and required, on the twenty-fifth day of March and twenty-ninth day of September, yearly, and in every year during the continuance of this Act, to pay all such moneys as shall be by him received, on account of the dutys appropriated by this Act, to the said commissioners, for the uses hereinbefore mentioned; and the said receiver shall be, and he is hereby obliged, enjoined, and required to transmit a just and true account of all moneys by him received and paid in the execution of his office, to the public treasurer in Charlestown, once in every year, or oftener if required, to be laid before the General Assembly.

Receiver under this Act to account with the public treasurer.

VII. *And be it further enacted* by the authority aforesaid, That all ships and other vessels which shall go to the port of Beaufort from any port (except such as shall have paid the said duty in Charlestown or Georgetown,) shall be liable to pay the same powder duty as ships and other vessels that come to Charlestown, which shall be paid to such person as the powder receiver in Charlestown shall depute and appoint to receive the same; and the said powder receiver in Charlestown shall be, and is hereby fully authorized and empowered to depute and appoint a person for that purpose.

Powder duty to be paid.

VIII. *And be it enacted* by the authority aforesaid, That the said receiver of the country dutys, before he enter upon the execution of the said office, shall give bond to his Majesty with one sufficient surety in the sum of two hundred pounds sterling, for the due execution of the same, to be lodged in the hands of the public treasurer of this Province.

Receiver to give bond in £200.

IX. *And be it further enacted* by the authority aforesaid, That this Act shall be of force for and during the term of five years, and from thence to the end of the next session of the General Assembly after, and no longer.

Limitation five years.

ANDREW RUTLEDGE *Speaker.*

In the Council Chamber, the 16th day of May, 1752.

Assented to: JAMES GLEN,

A. D. 1752.

No. 801. *AN ACT* FOR LAYING BUOYS AND ERECTING AND SUPPORTING BEACONS OR LAND MARKS NEAR THE BAR OF THE HARBOR OF GEORGETOWN, WINYAW, AND FOR BUILDING AND REPAIRING ONE OR MORE PILOT BOAT OR BOATS TO ATTEND THE BAR OF THE SAID HARBOR, AND FOR THE BETTER SETTLING AND REGULATING THE PILOTAGE OF THE SAID HARBOR, AND FOR OBLIGING SUCH VESSELS AS GO TO THE SAID PORT OF GEORGETOWN TO PAY POWDER DUTY.

Preamble.

WHEREAS, several of the inhabitants of the parishes of Prince George, Winyaw, and Prince Frederick, by their petition to the General Assembly, have set forth the necessity of laying buoys and erecting beacons or land marks, and maintaining pilot boats to attend the bar of the harbor of Georgetown, Winyaw, and divers other necessary regulations for the safety and encouragement of such vessels as shall use the said port; and that they were desirous and willing to contribute towards the same; we therefore humbly pray his most sacred Majesty that it may be enacted,

Commissioners nominated.

I. *And be it enacted*, by his Excellency James Glen, Esquire, Governor in chief and Captain General in and over the Province of South Carolina, with the advice and consent of his Majesty's Council, and the House of Assembly of the said Province, now met in General Assembly, and by the authority of the same, That the persons hereinafter named be, and they are hereby appointed commissioners to put in execution the several matters in this Act directed, viz: George Gabriel Powell and Thomas Lynch, Esqrs., Mr. James Somers, Mr. George Pawley, and Mr. James McRee, which said commissioners, or any three or more of them, shall be, and they are hereby authorized, impowered, and required to lay buoys and to erect beacons or land marks on such place or places near the bar of the said harbor of Georgetown, Winyaw, as they shall judge most proper for that purpose; and also shall build or purchase one or two pilot boat or boats as they shall think necessary to attend the said bar, and keep the said boat or boats, beacons, and buoys in good order and condition; which said boat or boats shall be vested in the said commissioners and their successors, and shall be delivered into the custody and care of the pilot or pilots for the said harbor, who shall obtain branches or licences in the manner hereinafter directed.

To lay buoys, &c. and build or purchase pilot boat or boats.

Assessment of £1000 per annum, for three years.

Of one-third on stock in trade and two-thirds on land and slaves.

II. *And the better to raise a fund for the purposes aforesaid, Be it further enacted* by the authority aforesaid, That the said commissioners, or any three or more of them, shall be, and they are hereby fully authorized, impowered, and required to rate and assess a sum not exceeding one thousand pounds current money per annum, for and during the term of three years from the time of passing this Act, in the manner hereinafter directed; (that is to say) one-third part of the said sum on the stock in trade of merchants and storekeepers in Georgetown, and on the owners and proprietors of lots of land, buildings, and slaves, in the said town, equally and proportionably according to the value of the same; and the other two-third parts of the said sum on the lands and slaves held, owned or possessed by any person or persons whosoever in Prince George's parish, without the limits of Georgetown, and in the parish of Prince Frederick, rateably and proportionably according to the quantity of lands

and number of slaves held, owned, or claimed in either of the said parishes. A. D. 1752.

III. And forasmuch as the collecting the said assessment by the said commissioners would be attended with great difficulty, *Be it therefore further enacted* by the authority aforesaid, That the said commissioners shall annually make out an assessment in the manner hereinbefore directed, and shall deliver the same to the enquirers and collectors of the general tax for the several districts in the said parishes of Prince George and Prince Frederick, which said enquirers and collectors respectively shall collect and levy the moneys so rated and assessed, of and upon the several persons in their respective districts, at the same time when they receive the general taxes for the support of this government; and the said enquirers and collectors shall have the same powers and authorities, and proceed in the same manner against all persons who shall neglect or refuse to pay their proportion of the assessments to be made in pursuance of the directions of this Act, as they are or shall from time to time be invested with, to proceed against persons who shall neglect or refuse to pay their proportions of the general tax; and the said enquirers and collectors respectively as soon as they have collected the moneys to be assessed by virtue of this Act, shall forthwith pay the same to the commissioners for putting this Act in execution, deducting thereout five per centum as commissions for their trouble in collecting, receiving, and paying the same.

Commissioners to make out an annual assessment.

Enquirers and collectors may enforce the same.

IV. *Provided always nevertheless, and be it further enacted* by the authority aforesaid, That nothing in this Act contained shall extend or be construed to extend to give the said commissioners any power or authority to rate or assess any persons living or residing within ten miles of the Wateree river, or any of the inhabitants of the north side of Santee river living upon the said river or within five miles of the same, to be computed from the nearest part of the said river in the said parishes of Prince George Winyaw and Prince Frederick, for any part of the charge of laying buoys and erecting the said beacons or land marks, for paying the pilots, or for building, purchasing, or repairing the said pilot boat or boats; any thing herein contained to the contrary notwithstanding.

Inhabitants that are exempted from this assessment.

V. And for easing the inhabitants of the said parishes hereafter of the burthen of the tax imposed by this Act, *Be it further enacted* by the authority aforesaid, That from and immediately after the expiration of the Act entitled an Act for appropriating the duties imposed by law on goods, wares, and merchandize imported into and exported out of the port of Georgetown, Winyaw, for the term therein mentioned, toward finishing the church erected in the said town, the duties appropriated by the said Act shall be, and are hereby appropriated toward defraying the expence of laying buoys, erecting the said beacons or land marks, for the use of the pilot boat or boats, and the maintenance of a pilot for the said bar and harbor of Georgetown, Winyaw; and the receiver of the said duties for the time being shall be, and he is hereby obliged and required to pay the same to the said commissioners for the purposes aforesaid, on every twenty-fifth day of March and twenty-ninth day of September, yearly.

Surplus of a former appropriation now appropriated to the purposes of this Act.

VI. *And be it further enacted* by the authority aforesaid, That the said commissioners, or any three or more of them, shall be, and they are hereby authorized and impowered to nominate and appoint such fit and competent person and persons to act as pilot and pilots for the conducting vessels inward to or outward from the said port of Georgetown, Winyaw, as they shall judge proper; and every master or skipper of any ship or other vessel, for the consideration of the pilotage of such ship or other vessel

The commissioners may appoint pilots.

A. D. 1752.

Fees of pilot-
age.

inward to or outward from the said port, shall pay unto the licenced pilot or pilots who shall take charge of the same, the following rates and prices, viz : for six feet of water, or under, inward or outward, three pounds and fifteen shillings ; for seven feet, five pounds ; for eight feet, six pounds and five shillings ; for nine feet, seven pounds and ten shillings ; for ten feet, eight pounds and fifteen shillings ; for eleven feet, ten pounds ; for twelve feet, eleven pounds and five shillings ; for twelve feet and an half, twelve pounds and ten shillings ; for thirteen feet, thirteen pounds and fifteen shillings ; for thirteen feet and an half, fifteen pounds ; for fourteen feet, sixteen pounds and fifteen shillings ; for fourteen feet and an half, seventeen pounds and ten shillings ; for fifteen feet, twenty pounds and ten shillings ; for fifteen feet and an half, twenty-five pounds ; for sixteen feet, thirty pounds ; for sixteen feet and an half, thirty-five pounds ; for seventeen feet, forty pounds, current money of this Province.

Penalty for re-
moving buoys.

VII. *And be it further enacted* by the authority aforesaid, That if any person or persons whosoever, shall remove or take away any of the said buoys so to be placed, he or they shall forfeit for every such offence the sum of five hundred pounds current money, to be recovered by action of debt, bill, plaint, or information, in any court of record in this Province, wherein no essoign, privilege, or protection, shall be allowed or admitted, the one-half to his Majesty to be applied by the said commissioners to the replacing of such buoys, and in ease of the rates imposed by this Act, and the other half to him or them who will sue for the same.

Commissioners
dying or remo-
ving, or refu-
sing to Act.Governor may
disapprove an
appointment.

VIII. *And be it further enacted* by the authority aforesaid, That in case any of the said commissioners shall happen to dye, refuse to act, or depart this Province, then any three of the remaining commissioners shall have power to nominate and appoint another commissioner in the room of him who shall so dye, refuse to act, or depart this Province ; and such commissioner so to be appointed, shall have the same powers and authoritys in all respects whatsoever, as those have who are particularly named in this Act, until the Governor or Commander-in-Chief for the time being, shall signify his disapprobation of the said appointment, and no longer, provided nevertheless that the said disapprobation be signified to the commissioners within the space of three months next after such appointment ; and the said commissioners shall once in every year, or oftener if thereunto required, transmit a true and faithful account upon oath to the General Assembly of this Province then being, of all the moneys by them received and laid out, in pursuance of the directions of this Act.

General issue
may be plead-
ed, and this Act
given in evi-
dence.

IX. *And be it further enacted* by the authority aforesaid, That if any of the said commissioners, enquirers, and collectors, or any other person or persons whosoever, shall be sued or prosecuted for any matter, cause, or thing, done or to be done in pursuance of or under the authority of this Act, then the said commissioners, enquirers, and collectors, or other person or persons, shall and may plead the general issue, and give this Act and the special matter in evidence, in the court or courts where such suit or prosecution shall be brought or commenced.

Powder duty to
be paid.

X. *And be it further enacted* by the authority aforesaid, That all ships and other vessels that shall go to the port of Georgetown from any place (except Charlestown or Beaufort) shall be liable to pay the same powder duty as ships and other vessels that come to Charlestown are liable to pay, which shall be paid to such person as the powder receiver in Charlestown for the time being, shall depute and appoint to receive the same ; and the said powder receiver is hereby authorized to appoint a person for that purpose.

XI. *And be it further enacted* by the authority aforesaid, That this Act shall continue, remain, and be in force for and during the term of eight years, and from thence to the end of the then next session of the General Assembly, and no longer. A. D. 1752.
Limitation 8 years.

ANDREW RUTLEDGE, *Speaker.*

In the Council Chamber, the 16th day of May, 1752.

Assented to: JAMES GLEN.

AN ACT FOR PRESERVING PEACE AND FOR CONTINUING A GOOD CORRESPONDENCE WITH THE INDIANS WHO ARE IN FRIENDSHIP WITH THE GOVERNMENT OF SOUTH CAROLINA, AND FOR REGULATING THE TRADE WITH THE SAID INDIANS. No. 802.

WHEREAS, his Majesty's subjects, the inhabitants of this Province, have for many years past carried on a very considerable and beneficial trade with divers nations of Indians who inhabit and possess the country which surround his Majesty's dominions on this part of the main continent of North America, and with which Indians his Majesty's subjects in this Province, by his Majesty's direction and permission, have entered into several treatys of friendship and commerce; and whereas, the peace and safety of his Majesty's subjects who live in this Province in a great measure depend on preserving a good correspondence with the said Indians, and it having been found by long experience that nothing can so effectually secure the friendship of the Indians as furnishing them with a constant supply of woolen and other manufactures, which are the produce of his Majesty's dominions, and as by such a commerce the Indians are by their interest more firmly attached to his Majesty's subjects, so his Majesty's subjects are enabled to make large and valuable returns to Great Britain in exchange for the British commodities with which the Indians are supplied; and whereas, it hath been the care of this Government to pass laws to regulate the trade with the Indians, and to prevent any undue intercourse with them, the last of which laws, passed on the eleventh day of April, in the year of our Lord one thousand seven hundred and thirty-nine, is now expired; we therefore humbly pray his most sacred Majesty that it may be enacted. Preamble.

I. *And be it enacted*, by his Excellency James Glen, Esq., Governor-in-chief and Captain General in and over the Province of South Carolina, with the advice and consent of his Majesty's Council and the Assembly of the said Province, and by the authority of the same, That from and after the passing of this Act no person whosoever, residing or inhabiting in this Province, shall resort to or visit any Indian or Indians on the main continent of North America, except the Chickasaw Indians, near New Windsor, the Euchees, the Catawbias, and other small tribes of Indians called the neighbouring Indians, living in the settlements, and other Indians incorporated with them, without a permission in writing from the commissioner hereinafter appointed; nor shall any person or persons living and residing in this Province, other than such as shall duly obtain licence in the manner hereinafter mentioned and directed, directly or in- Residents of South Carolina not to visit the Indians on the main continent, with certain exceptions, without permission, nor trade with them without licence.

A. D. 1752.

Penalty £200,
and forfeiture
of goods.

Constable or
licenced trader
may execute
the warrant.

Former licen-
ces to remain
good.

Commissioner
to take oath
faithfully to ex-
ecute his office

And to enter
proceedings in
a book.

His fee.

Commissioner
or agent may
hear and deter-
mine disputes,
and award
damages to the
amount of £5.

directly trade to, traffick, deal or barter with any Indian or Indians on the main continent of North America, except the Chickasaws, near New Windsor, the Eucheas, and the other small tribes of Indians living in the settlements, commonly called neighbouring Indians, and other Indians incorporated with the said Chickasaws, Eucheas and neighbouring Indians, under pain of forfeiting the sum of two hundred pounds proclamation money, to be sued for, recovered and disposed of as hereinafter is directed and appointed; and every person and persons trading, trafficking or bartering with any Indian or Indians, contrary to the directions of this Act, shall also forfeit all and singular the goods, wares, merchandize, slaves, skins, furs and wax, either carried to or bought of any of the said Indians, and the same shall and may be seized upon by warrant under the hand and seal of the commissioner or agent by this Act appointed, or to be appointed in pursuance of the direction thereof, directed to any lawful constable or constables of the county, precinct or district (if such slaves, skins, furs or wax shall be brought into the settlements) where the same may happen to be, or to any licenced trader or traders living nearest to the town or place where such goods, wares, merchandize, slaves, skins, furs or wax shall be in any of the Indian nations; and such constable and constables, licenced trader and traders, to whom any such warrant shall be directed, is and are hereby fully authorized and empowered to execute such warrant, under pain of forfeiting the sum of fifty pounds proclamation money for neglect or refusal so to do, to be recovered and disposed of as is hereinafter directed and appointed.

II. *Provided always, and be it enacted* by the authority aforesaid, That all licences which have been granted before the passing of this Act, in the pursuance of the directions of any Act or ordinance of the General Assembly of this Province for regulating the Indian trade, shall remain and be of full force until the expiration of the term in the said licences mentioned; any thing in this Act contained to the contrary notwithstanding.

III. *And be it further enacted* by the authority aforesaid, That the commissioner for Indian affairs hereinafter named, and every Commissioner who shall be hereafter appointed, shall, before he enters into the execution of his office, take oath before the Governor or Commander-in-chief of this Province for the time being, for the due and faithful execution of his office, and the due observation of this Act, and shall also take the oaths of allegiance to his Majesty.

IV. *And be it further enacted* by the authority aforesaid, That the said commissioner, and the commissioner for Indian affairs for the time being, shall keep a fair book, in which shall be entered the proceedings of the said commissioner, and in another fair book shall carefully keep all bonds which shall from time to time be entered into by such persons as shall be licenced to trade with the Indians; and every person who shall take out a licence to trade with the Indians, shall pay to the commissioner for Indian affairs for the time being, for the bond, licence and instructions, the sum of sixteen shillings proclamation money, and no more.

V. *And be it further enacted* by the authority aforesaid, That the said commissioner, or any agent or agents who shall or may at any time hereafter be sent amongst the Indians by the authority of this Government, shall have power, and he and they is and are hereby authorized and required, to hear and determine all causes or complaints between any Indian or Indians and any person or persons trading amongst them, and upon complaint made, to receive and take the evidence of any Indian or Indians against any person or persons trading or who shall trade amongst them; and if the said commissioner or agent, from plain and evident proof of

circumstances, shall find the complaint of such Indian or Indians to be true, the said commissioner or agent is hereby authorized and empowered to judge and award to the Indian or Indians his and their damages; and the said commissioner or agent shall, if he thinks fit, discharge and revoke the licence of the trader against whom such complaint shall be made. Provided nevertheless, that nothing in this Act contained shall extend or be construed to extend to empower any commissioner or agent to award damages or give judgment for any sum or matter exceeding the value of five pounds proclamation money, or to inflict any corporal punishment on any person whatsoever.

A. D. 1752.

Commissioner's
authority not to
extend to corpo-
ral punishment.

VI. *And be it further enacted* by the authority aforesaid, That the said commissioner, or such agent as aforesaid, shall issue his warrant to any Indian trader or traders living or residing nearest to the town or place where the order or sentence of the said commissioner or agent is to be executed, which warrant shall command, enjoin and require due execution to be made of such order or sentence as aforesaid; and every Indian trader is hereby authorized and required to execute such warrant and to cause due obedience to be paid to the same, and shall certify the execution thereof, or what he shall do thereupon, under his hand, to the said commissioner or agent who shall issue such warrant; and in case any such Indian trader or traders, against whom such warrant shall be issued, shall refuse to give obedience to such order or sentence of the said commissioner or agent, after such warrant shall be shewn unto such Indian trader or traders, every such Indian trader shall forfeit the sum of fifty pounds proclamation money for every such refusal or disobedience; and in case any Indian trader to whom such warrant shall be directed shall neglect or refuse to execute the same he shall forfeit and pay the sum of ten pounds proclamation money for every such refusal or neglect; which said penaltys and forfeitures shall be sued for, recovered, applied and disposed of in manner hereinafter mentioned.

The warrant
may be direct-
ed to an Indian
trader.

Penalty of £50
on disobe-
dience.

VII. *And be it further enacted* by the authority aforesaid, That as well the constables as any Indian trader who shall execute any warrant from the aforesaid commissioner or agent, shall be allowed the like fees as are allowed to constables in other cases in this Province for executing warrants, and shall also be allowed the like fees for mileage.

Fees allowed.

VIII. *And be it further enacted* by the authority aforesaid, That all treasons, murders, felonys, and other crimes, offences and misdemeanors, done, perpetrated or committed, or hereafter to be done, perpetrated or committed by any person or persons, in any country possessed and inhabited by the Indians among whom a trade is carried on from this Province, shall from henceforth be enquired of, heard, tried and determined before the King's justices in the court of general sessions of the peace, oyer and terminer, assize and general goal delivery, established and appointed to be holden in this Province, by good and lawful men of this Province, in like manner and form, to all intents and purposes, and shall be subject to the same pains and penaltys as if such treasons, murders, felonys or other crimes, offences or misdemeanors, had been done, perpetrated and committed within the more settled parts of this Province.

All felonies
shall be tried
in the court of
sessions.

IX. *And be it further enacted* by the authority aforesaid, That the commissioner for Indian affairs for the time being, and such agent or agents as shall be appointed as aforesaid, and every of them, shall have full power and authority to agree with and employ interpreters, and to administer an oath to such interpreters that they shall truly and faithfully interpret and explain, according to the best of their skill and knowledge, the talks, conferences and discourses which shall be had and made between the said

Commissioner
and agent may
employ inter-
preters.

A. D. 1752.

Also messengers and expresses on horseback.

commissioner or agent or agents and any of the Indians aforesaid, as the case shall require, to the end that the complaints of the Indians may be fully heard and understood and their grievances (if any shall happen) may be effectually redressed. And the said commissioner or agents are also hereby further impowered to hire messengers and horses upon emergencies, as occasion may require, to send express to the Governor or Commander-in-chief for the time being, or to give notice to the inhabitants of this Province in case of danger; and the said commissioner or agents shall give a certificate to the persons whom he or they employ, for their wages, as well as for the hire of any horse, to the intent that the same may be laid before the Assembly, that provision may be made for defraying the expence of such charges.

No commissioner or agent shall traffick with the Indians or receive presents.

X. *And be it further enacted* by the authority aforesaid, That the commissioner for Indian affairs, or any agent or agents who may at any time hereafter be appointed as aforesaid to go amongst the Indians, shall not directly or indirectly trade, deal, traffick or barter with any Indian or Indians whatsoever, or sell or barter, or procure to be sold or bartered, any Indian trading goods to any person whatsoever, or receive any present, gift, fee or reward (provisions for their subsistence whilst among the Indians only excepted) from any Indian or Indians, or any person or persons trading or dwelling with any Indian or Indians, during the time he or they shall continue in any of the offices aforesaid, nor at any time within the term of two years after he or they shall be out of any of the said offices, without leave or licence first had and obtained from the General Assembly of this Province, signified by a resolution of both houses, assented to by the Governor or Commander-in-chief for the time being, on pain of forfeiting the sum of five hundred pounds proclamation money. Provided, nevertheless, that it shall and may be lawful for the said commissioner or agents, or any of them, to receive presents from the Indians in token of their friendship and alliance with this government, all which presents, or the value thereof, every such commissioner and agent as aforesaid shall account for, pay or deliver to the public treasurer for the time being, to be disposed of by the direction of the General Assembly, for such public uses as they shall think fit; and in case any such commissioner or agent as aforesaid shall neglect, delay or refuse to account for, pay or deliver such present or presents, or the value thereof, so received or to be received from the Indians as aforesaid, for the space of six months next after receipt of the same, every such commissioner or agent shall forfeit double the value of the present or presents so received.

Presents to be accounted for to the public treasurer.

Persons licensed to be of good character.

XI. *And be it further enacted* by the authority aforesaid, That the commissioner for Indian affairs shall take especial care that all persons who shall be licensed to trade amongst the Indians, or shall be employed amongst the Indians, be of honest repute and sober life and conversation; and that every person and persons who shall trade amongst the Indians shall first publish his or their names in the office of the said commissioner, at least ten days before any licence shall be granted, and after the expiration of the said ten days, if no just cause appear or shall be made appear to the said commissioner to the contrary, the said commissioner is hereby authorized and required to grant a licence to such person so applying and being qualified as aforesaid, to trade with any Indians in peace and amity with this Government, where there shall be a vacancy for a trader; every such person first entering into bond with one or more sufficient surety or sureties to his Majesty, his heirs and successors, in the sum or penalty of two hundred pounds proclamation money, conditioned that every such person shall demean himself well towards the Indians, and that he shall observe

Bond with surety to be entered into.

and follow such instructions as shall be annexed to his licence, and that he shall not take any undrest or raw deer skins (save as many as will serve for covering to his goods, and that not exceeding three skins to each horse) but shall take care that all deer skins be trimmed, (that is to say) the horns, hoofs, ears and snouts shall be cut off, and that he shall not carry any swan shot to the Indian country; and if a Cherokee trader, that he shall not carry any rum or other spirituous liquors to the nation; and shall also obey all such further orders, rules and directions as shall from time to time be given or sent him by the commissioner for Indian affairs for the time being, under his hand and seal of office.

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Deer skins to be trimmed.

XII. And forasmuch as the Indians cannot be legally compelled to pay any debts which they may contract, whereby the giving them credit, if they are not willing to pay the same, may tend to create animosities and ill blood between them and the traders, *Be it therefore further enacted* by the authority aforesaid, That if any person or persons who shall be licenced to trade with the Indians according to the directions of this Act, shall trust, lend or give credit to any one Indian, except to the value of twenty-four pounds of leather to each Indian man, living in any town or towns inserted in such persons licence, and not otherwise, every such person shall forfeit the debt due from the Indian so trusted or credited, and shall also be deemed to have forfeited the penalty of his bond, to be recovered, disposed of and applied as hereinafter is directed.

Extent of credit to Indians.

XIII. *And be it further enacted* by the authority aforesaid, That all and every Indian trader licenced from this Province, (except to the Chickasaw and Chactaw nations) shall come to Charlestown at least once in every year, in order to take out a new licence in his own proper person, (that is to say) in the months of April, May, June or July; and all licences hereafter to be granted, shall continue of force one year, and shall determine and expire in one of the months last above mentioned, except licences to trade in the Chickasaw and Chactaw nations, which by reason of their distance from this Province, shall continue and be of force for the space of eighteen months, and no longer; provided nevertheless, that the Governor or Commander-in-chief, and his Majesty's Council, shall have power to revoke the licence of any Indian trader, in case they find sufficient cause for the same; and no licence to trade with the Indians shall be granted to any person whosoever, unless such person shall be actually present in Charlestown at the time of taking out such licence, and shall then and there give such security as by this Act is required; and every licenced trader shall actually reside at least six months in the year in the town or place for which he has a licence, under pain of forfeiting his bond.

The Governor and Council may revoke licences.

XIV. *And be it further enacted* by the authority aforesaid, That every person who shall hereafter obtain a licence to trade with the Indians, shall give an account of the names of the persons whom he shall employ to go with him into the Indian countrys, to the commissioner for the time being, the names of which persons shall be inserted in every licence; and it shall be made part of the condition of the bond entered into by every person who shall obtain a licence as aforesaid, that every person whose name shall be inserted in such licence as aforesaid, shall demean himself well, and be of good behaviour towards the Indians, and shall in no ways whatsoever trade, traffic or barter on his own account, with any Indian or Indians; but it shall and may be lawful for every person who shall obtain such licence as aforesaid, at the time of his coming to Charlestown, in order to renew his licence according to the directions of this Act, to leave in the Indian country, to take care of his store-house and

Traders licenced to give in the names of persons they take with them.

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Case of any
capital crime
being commit-
ted in the
Indian country.

goods, any one of the persons whose name shall have been so as aforesaid inserted in his licence, and who may in the absence of his principal, trade with the goods so left in his custody, any thing in this Act to the contrary notwithstanding; and in case any information shall be given upon oath, before any lawful magistrate, of any capital crime committed by such person, and process shall be issued thereupon against him, it shall and may be lawful for the aforesaid commissioner or agent, to give an order under his hand and seal of office, to the trader in whose service such person is employed, or in whose licence his name is inserted, commanding such trader to send down the person against whom such process is issued, to the common goal in Charlestown, there to be dealt with according to law; and in case the trader so licenced shall neglect or refuse so to do, he shall forfeit his licence; and it shall be an article in the condition of the bond hereinbefore directed to be entered into, that every such trader shall send or cause to be sent to the common goal of Charlestown, every person against whom process shall be issued as aforesaid; and the keeper of the goal in Charlestown, for the time being, is hereby commanded to receive and keep every person so sent as aforesaid, in safe custody, until he shall be thence delivered by due course of law.

No Indian tra-
der to discharge
any of his men
in the Indian
country.

XV. *And be it further enacted* by the authority aforesaid, That it shall not be lawful for any Indian trader to discharge any of the persons whose names shall be inserted in his licence in the Indian country; and if any person whose name is so inserted as aforesaid, shall leave or depart from the service of his employer, and shall be afterwards hired, employed or entertained by any other licenced trader in the Indian country, before the person so hired, employed or entertained, shall return to Charlestown, every licenced trader so employing or entertaining such person as aforesaid, shall forfeit the sum of fifty pounds proclamation money, and shall be further liable to answer all damages sustained.

Conditions of
licences.

XVI. *And be it further enacted* by the authority aforesaid, That any person desiring a licence to trade to any nations of Indians in amity with this Government, shall declare what nation he is going to trade with, and the town or towns in which he intends to trade shall be inserted in his licence, (Chicasaws, Catawbaws and Chactaws only excepted) where it shall be sufficient to take out a licence for the nation in general; and there shall be a condition in his bond that he shall not transgress the bounds mentioned in his licence, under pain of forfeiting the same; and every trader shall be confined to trade within the town or towns mentioned in his licence, and shall not go from thence to trade in any other town or place whatever; and it shall not be lawful for any trader to trust with ammunition, or to trade, deal, traffic or barter with any Indian or Indians whatsoever, other than such as live and reside in the town and towns or nation inserted in such trader's licence, under pain of forfeiting the sum of one hundred pounds proclamation money.

No person to
employ any
negro or other
slaves.

XVII. *And be it further enacted* by the authority aforesaid, That if any person or persons shall by any ways or means whatsoever, employ any free negro, or any negro or other slave, or shall sell or offer to sell any negro or other slave (excepting Indian slaves) in the Indian country, such person and persons so offending shall forfeit the sum of one hundred pounds proclamation money, for every such negro or slave so employed, sold, or offered to be sold.

XVIII. *And be it further enacted* by the authority aforesaid, That no trader whatsoever shall presume to enter into any town to trade where another trader by licence doth reside and trade, unless such town shall be

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inserted in his licence; and that a licence may be granted to any trader for two or more towns, in case one shall be thought too small for him to trade in, so that the several towns be equally divided amongst the several traders (except the Chickasaw, Catawba and Chactaw nations;) and every trader going to any of the Indian nations to trade, shall have annexed to his licence, instructions agreeable to this law, under the hand and seal of office of the commissioner.

XIX. *And be it further enacted* by the authority aforesaid, That every trader shall be obliged, and they are hereby required, upon their return from the Indian country, to give an account to the said commissioner of what skins and other effects they have brought down with them, and likewise of what goods they left behind among the Indians; and also to keep a journal of all remarkable occurrences, which they are to deliver to the commissioner, to be laid before the General Assembly.

XX. *And be it further enacted* by the authority aforesaid, That it shall not be lawful for any trader to furnish any Indian with goods to trade with other Indians, or to employ any Indian as a factor to sell or buy for him, on any account or pretence whatever, under pain of forfeiting his bond.

XXI. *And be it further enacted* by the authority aforesaid, That no Indian trader or traders, on pain of forfeiting their bonds shall presume to bring down any Indian or Indians into the settlements without directions for so doing from the Governor or Commander-in-chief for the time being, or from the said commissioner or agent or agents, upon especial occasions during the residence of such commissioner or agent in the Indian nations.

No Indian trader to bring any Indian into the settlement.

XXII. *And be it further enacted* by the authority aforesaid, That if any Indian or Indians, living or residing within the settlements, shall do any damage to any person or persons in this Province, and shall refuse or neglect to make satisfaction for such damage in a reasonable time after application to, and an order thereon, made by a magistrate, then and in such case, it shall and may be lawful for any justice of peace in this Province, upon due proof made before him of such damage or injury, to order such Indian or Indians to be brought down to Charlestown, to be dealt with as the Governor and Council shall direct.

XXIII. And whereas, since the commissioner for Indian affairs hath not been obliged by law to go into the Indian nations, not only many irregularities have been committed by the traders and other persons in the Indian countries, particularly at the Cherokees, from whence many false and alarming accounts have been brought down to this Government, to the great terror and disturbance of his Majesty's subjects, but the expences for Indians have been greatly augmented, *Be it therefore further enacted* by the authority aforesaid, That the commissioner for Indian affairs for the time being, shall be obliged, and he is hereby enjoined and required, under pain of forfeiting his office, to go to any of the Indian nations in amity with this Government, (the Chickesaws and Chactaws, by reason of their distance from Charlestown, excepted) whenever he shall be ordered and directed so to do by the Governor or Commander-in-chief for the time being, with the advice of his Majesty's Council; for which the said commissioner shall be paid out of the public treasury, fifty-six shillings proclamation money per day for himself and two servants, which said allowance shall also be paid to any person appointed by the Governor, with advice of the General Assembly, if sitting, and if not, with the advice of the Council, for such service, in case the commissioner shall refuse or be unable to perform it.

Commissioner to visit the Indian country.

Pay of the commissioner.

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The commis-
sioner to ob-
serve such
directions as he
shall receive
from the Gov-
ernor, Council
or Assembly.

XXIV. *And be it further enacted* by the authority aforesaid, That the said commissioner shall act and do in all cases relating to the Indian trade as this law directs; and shall also observe such directions as from time to time he shall receive from the Governor and Council, or the General Assembly of this Province, in cases of an extraordinary nature, where the immediate safety of this Province is concerned, and which are not provided for in this Act.

XXV. *And be it further enacted* by the authority aforesaid, That William Pinckney, Esq. be, and he is hereby nominated and appointed commissioner for Indian affairs, for putting in execution the several matters enjoined the commissioner by this Act; and shall have an annual salary of twenty pounds proclamation money; and in case the said commissioner shall happen to dye, depart this Province or decline acting any longer, the Governor or Commander-in-chief for the time being, and his Majesty's Council, are hereby empowered to appoint another commissioner for Indian affairs, until a commissioner shall be appointed by the General Assembly.

XXVI. *And be it further enacted* by the authority aforesaid, That the several matters and things which are prohibited to be done by this Act on penalty of forfeiting the bond entered into by the persons who shall obtain licences according to the directions of this Act, shall be inserted in and made part of the condition of every such bond.

XXVII. *And be it further enacted* by the authority aforesaid, That all the fines, penaltys and forfeitures inflicted and imposed by this Act, not particularly disposed of, nor the method of recovery directed, shall and may be sued for and recovered in any court of record in this Province, by action of debt, bill, plaint or information, wherein no essoign, privilege, protection or wager of law shall be allowed or admitted, nor any more than one imparlance, one half of which fines, penaltys and forfeitures shall go to his Majesty, his heirs and successors, to be disposed of by the General Assembly of this Province, and the other half to him or them who will inform and sue for the same.

XXVIII. And for the more effectual prosecution of any person or persons who shall offend against this Act, *Be it further enacted* by the authority aforesaid, That in every action or actions which shall be brought for the recovery of any fine, penalty or forfeiture imposed and inflicted by this Act, (which action or actions are hereby directed to be brought within twelve months after the offence committed, and at no time after) the defendant or defendants shall be held to special bail; and in case the informer or prosecutor shall obtain judgment, he shall recover his full costs of suit; any law, usage or custom, to the contrary thereof in any wise notwithstanding.

XXIX. *And be it further enacted* by the authority aforesaid, That in case any person shall be molested, sued, prosecuted or impleaded for any matter or thing done by virtue of or in execution of this Act, it shall and may be lawful for every such person to plead the general issue, and give this Act and the special matter in evidence; and in case the plaintiff or prosecutor shall become nonsuit, suffer a discontinuance, or a verdict or judgment shall pass against him or them, the defendant shall have full costs of suit, for the recovery whereof he shall have the like remedy as where costs are given by law to other defendants.

XXX. *And be it further enacted* by the authority aforesaid, That this Act shall be deemed a public Act, and all courts in this Province are to take notice of the same without special pleading; and shall be and con-

Limitation
seven years.

tinue in force for the space of seven years, and from thence to the end of the next session of the General Assembly, and no longer. A. D. 1752.

ANDREW RUTLEDGE, *Speaker.*

In the Council Chamber, the 16th day of May, 1752.

Assented to: JAMES GLEN.

AN Additional ACT TO AN ACT OF THE GENERAL ASSEMBLY OF THIS No. 803.
PROVINCE, INTITLED AN ACT FOR PREVENTING AS MUCH AS MAY BE THE
SPREADING OF CONTAGIOUS DISTEMPERS.

WHEREAS, it hath been found that the provisions made in and by an Act of the General Assembly of this Province, intitled an Act for preventing as much as may be the spreading of contagious distempers, have not been sufficient for the purposes intended in passing the same, as such distempers have at several times been brought from other parts and spread in this Province since the passing of the said Act; for prevention thereof for the future, we humbly pray his most sacred Majesty that it may be enacted,

Preamble, referring to Act of 29th May, 1744, on this subject.

I. *And be it enacted*, by his Excellency James Glen, Esq., Governor-in-chief and Captain General, in and over his Majesty's Province of South Carolina, with the advice and consent of his Majesty's Council and the House of Assembly of the said Province, now met in General Assembly, and by the authority of the same, That the pilots for the ports of Georgetown, Winyaw, and Beaufort, Port Royal, shall within one month after the passing of this Act, and all and every person who shall hereafter obtain a branch to be a pilot in this Province, shall upon his obtaining such branch, take the following oath before any one of the commissioners for regulating the pilots of the respective port or harbour for which such person shall obtain such branch, which oath any one of the said commissioners is hereby empowered and authorized to administer; and in case there shall be no such commissioner, then before any neighbouring justice of the peace, that is to say, "I, A. B., do swear that I will, before I enter on board any ship or other vessel designed for this Province, diligently enquire of the master or commander of the same whether any plague, malignant fever, small pox or any other contagious distemper, be on board the said vessel or at the port from whence they last came: So help me God:" and every pilot who hath not already taken the said oath that shall neglect or refuse to take the same within the time aforesaid, shall not be permitted to act as a pilot for any port or harbour in this Province.

Pilots to take the following oath.

II. *And be it further enacted* by the authority aforesaid, That when any pilot shall go on board any vessel that shall be obliged to perform quarantine, the master or commander of such vessel, his executors and administrators, shall be, and he and they is and are hereby obliged and required to pay to such pilot, his executors or administrators, the sum of one pound proclamation money, for every day that such vessel shall perform quarantine, as a recompence for his loss of time; provided always, that in case such master or commander can make it appear by the oath of any two credible witnesses that he acquainted such pilot that his vessel had some contagious distemper on board, before the pilot entered on board such vessel, then such pilot shall have no such recompence.

Quarantine, compensation to pilot for loss of time.

Unless the master forewarns the pilot of a contagious disorder on board.

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Masters of vessels to conform to the regulations of the former Act.

III. *And be it further enacted* by the authority aforesaid, That in case any pilot or the master or commander of any ship or other vessel shall refuse or neglect to do and perform all and every the matters which by them respectively are by the aforesaid Act enjoined to be done and performed, the person or persons so offending shall respectively forfeit, over and above the penaltys inflicted by the said Act, the further sum of one hundred pounds proclamation money, to be paid to the public treasurer of this Province for the time being, for the use of his Majesty, to be applied as by the General Assembly shall be directed; and the said public treasurer is hereby authorized and required to sue for the same by action of debt, bill, plaint or information, in any court of record in this Province, wherein no essoin, privilege, protection or wager of law shall be allowed; and the defendant and defendants to every action which shall be brought for the recovery of any penalty that is inflicted by the said recited Act, or by this present Act, shall be held to special bail; any law, usage or custom to the contrary notwithstanding.

And the public treasurer may sue in debt for the penalties

No person from a vessel permitted to come on shore on penalty of £20.

IV. *And be it further enacted* by the authority aforesaid, That no passenger or other person whoever, coming to this Province in any infected ship or vessel, shall be permitted to come on shore in any part of this Province; and in case any such passenger or other person shall offend herein, he or she shall be immediately sent on board such ship or vessel, and shall also forfeit the sum of twenty pounds proclamation money, to be sued for and recovered in any court of record in this Province by action of debt, bill, plaint or information, wherein no essoin, privilege, protection or wager of law shall be allowed, the one half to him or them who will inform and sue for the same, and the other half to the use of the poor of the parish where the offence shall be committed.

Vessels to perform quarantine until the master shall take oath.

Oath.

On penalty of £100.

V. *And be it further enacted* by the authority aforesaid, That every vessel that shall come to this Province shall be obliged to perform quarantine, until the master or commander of such vessel shall take the following oath before the commander of Fort Johnson or the officer commanding at Fort Frederick, or before the pilot of Georgetown, who are hereby respectively empowered to administer the same, viz: I, A. B., do swear, that all the persons, passengers and negroes imported in my vessel, are free from any small pox, plague, infectious fever or other contagious distemper: So help me God: and shall also answer upon oath whether any dyed upon the voyage, and if so of what distemper they dyed, and how long since; and if any master or commander of any ship or vessel coming to any of the ports aforesaid, who shall refuse to take the oath aforesaid, shall permit or suffer any passenger or other person to come on shore, or any goods or things brought by such vessel to be landed, until such ship or vessel shall have performed quarantine, every such master or commander so offending shall forfeit and pay the sum of one hundred pounds proclamation money, one half to his Majesty, to be disposed of by the General Assembly, and the other half to him or them who will inform and sue for the same in any court of record in this Province, by action of debt, bill, plaint or information, wherein no essoin, privilege, protection or wager of law shall be allowed.

Public treasurer directed to prosecute, on penalty of £100.

VI. *And be it further enacted* by the authority aforesaid, That the public treasurer of this Province for the time being, shall be, and he is hereby obliged, enjoined and required to prosecute all persons who shall offend against the authority of the said recited Act or of this present Act; and in case the said public treasurer, after information shall be given him of any such offence being committed, shall neglect or refuse to prosecute the offender or offenders, he shall forfeit the sum of one hundred pounds

proclamation money, to be sued for and recovered in any court of record in this Province, by action of debt, bill, plaint or information, wherein no essoin, privilege or protection shall be allowed or admitted; the one half of which forfeiture shall be to the use of his Majesty, to be disposed of as by the General Assembly shall be directed, and the other half to him or them who will inform and sue for the same.

A. D. 1752.

ANDW. RUTLEDGE, *Speaker.*

In the Council Chamber, the 16th day of May, 1752.

Assented to: JAMES GLEN.

[The following Act (No. 720) was not found in its proper place, but is since found enveloped in the supplementary Act, given above, on the same subject.]


**AN ACT FOR THE FURTHER PREVENTING THE SPREADING OF CONTAGIOUS
OR MALIGNANT DISTEMPERS IN THIS PROVINCE.**

WHEREAS, it hath been found by experience, that since the importation of negroes and slaves from the coasts of Africa into this Province, hath been prohibited, this Province in general and Charlestown in particular, hath been much more healthy than heretofore it hath been; and whereas, a sum of one thousand pounds current money hath been resolved to be provided for the building a pest house on Sullivan's Island, near the entrance into the port and harbour of Charlestown, for the reception of all infected or distempered persons which shall be brought into this Province; we humbly pray his most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted*, by his Excellency James Glen, Esq., Governor-in-chief and Captain General in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council and the Assembly of this Province; and by the authority of the same, That no ship or vessel which after the fifth day of July next after the passing this Act, shall arrive or come into this Province over the bar of the harbour of Charlestown, with negroes from the coasts of Africa or elsewhere, shall be permitted upon any pretence whatsoever to come above Johnson's fort into Cooper or Ashley river, in this Province, before all the negroes imported or brought in such ship or vessel shall have been landed and put on shore on Sullivan's Island aforesaid, and there shall have remained for the space of ten days, or have been carried on shore five days in the said space of ten days, and shall remain on shore six hours in each of the said days in the summer, and five hours in the winter, that they shall be so on shore in, at the party's own election, for the better purifying and cleansing the said slaves and vessel from any infectious distemper; any law, usage or custom to the contrary in any wise notwithstanding. And in case any negroes or slaves so imported and brought into this Province, over the bar of the harbor of Charlestown, shall be sold, landed or put on shore in any part of this Province, before such negroes or slaves have been landed and remained by the space of ten days, or carried and remained on shore five days, on Sullivan's Island, as aforesaid, (unless such negroes and slaves, upon apprehension of the dangers of a hurricane, or other imminent danger, shall be ordered by his Excellency the Governor or the Commander in-chief for the time being, to be removed

No vessel with negroes from Africa shall pass over the bar of Charlestown till the negroes shall have been landed at Sullivan's Island, there to remain ten days, on pain of being forfeited.

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No person to go on board without permission of the Governor, on penalty of £100.

II. *And be it further enacted* by the authority aforesaid, That in case any person or persons whoever, not having the permission of the Governor or Commander-in-chief for so doing, shall go on board any such ship or vessel, or to Sullivan's Island, while such negroes or slaves are there, such person and persons shall be obliged to remain on board such ship or vessel, or at Sullivan's Island, till the time which such negroes shall be obliged to remain at Sullivan's Island shall be expired, under the penalty of one hundred pounds proclamation money, to be recovered and applied as is above directed. And in case such person or persons shall not be able to pay the said penalty, it shall and may be lawful for any two justices of the peace, and they are hereby required and authorized, to order such corporal punishment to be inflicted on such person or persons, not extending to life or limb, and not exceeding thirty-nine stripes, as they shall judge proper.

No seaman to come on shore till the stay on Sullivan's Island is expired.

III. *And be it further enacted* by the authority aforesaid, That no mariner or seaman whatever, arriving in any such ship or vessel, shall be permitted on any account or pretence whatever to come to Charlestown till the time directed for such negroes to continue at Sullivan's Island shall be expired, under the penalty of one hundred pounds proclamation money, to be recovered and applied as aforesaid.

Oath to be taken by masters of vessels.

IV. *And be it further enacted* by the authority aforesaid, That the masters or commanders of every ship or vessel that shall arrive with negroes as aforesaid, before such ship or vessel be permitted to pass Johnson's Fort, shall be and they are hereby obliged and required to make oath before the commander of the said fort that they have complied with the directions of this Act, which oath the commander of the said fort is hereby required and impowered to administer.

This Act not to extend to negroes brought from an English colony.

V. *Provided always*, That nothing in this Act contained shall be construed to extend to any negroes brought into this Province from any English colony, not for sale, but for the use of the importers only. Provided also that this Act shall only continue to be in force for the term of three years from the passing thereof, and from thence to the end of the next session of the General Assembly, and no longer.

WM. BULL, Jun., *Speaker*.

In the Council Chamber, the 29th day of May, 1744.

Assented to: JAMES GLEN.

No. 804. *AN ACT* TO REVIVE AND CONTINUE THE SEVERAL ACTS OF THE GENERAL ASSEMBLY OF THIS PROVINCE THEREIN MENTIONED.

WHEREAS, several wholesome and beneficial temporary laws of this Province are expired or near expiring, we therefore humbly pray his most sacred Majesty that it may be enacted,

A. D. 1752.

I. *And be it enacted*, by his Excellency James Glen, Esq., Governor-in-chief and Captain General in and over the Province of South Carolina, with the advice and consent of his Majesty's Council and the House of Assembly of the said Province, now met in General Assembly, and by the authority of the same, That an Act of the General Assembly of this Province intituled an Act to encourage and induce handicraft tradesmen, storekeepers and others, to settle in towns and villages upon the passes over rivers and other places in this Province, passed the eighth day of March in the year of our Lord one thousand seven hundred and forty-one; and also another Act, intituled an Act to regulate the price and assize of bread, passed the sixteenth day of March, one thousand seven hundred and forty-nine; and also an other Act, intituled an Act to prevent stealing of horses and neat cattle, and for the more effectual discovery and punishment of such persons as shall unlawfully brand, mark or kill the same, passed the seventh day of May, one thousand seven hundred and forty-three; and also another Act, intituled an Act for allowing mutual debts to be discounted, and for explaining the sixth paragraph of an Act intituled an Act for making more effectual wills and testaments in this Province, according to the tenor of the same, and for putting in force several matters herein comprised, passed the twenty-ninth day of May, one thousand seven hundred and forty-four; and also an other Act, intituled an Act for regulating the making of dams or banks for reserving water, where the same may affect the property of other persons, passed the twenty-ninth day of May, one thousand seven hundred and forty-four; and also such part of one other Act, intituled an Act for appointing commissioners to lay out a road or causeway over Lynche's Island, situate in Santee River, and for establishing the ferrys therein mentioned, passed the eleventh day of March, one thousand seven hundred and thirty-seven, as relates to the several ferrys which are established by the said Act; and also another Act, intituled an Act for the establishing of a market in the parish of St. Philip, Charlestown, and for preventing ingrossing, forestalling, regrating and unjust exactions in the said town and market, passed the eleventh day of April, in the year of our Lord one thousand seven hundred and thirty-nine—be, and are hereby declared to be, revived, continued, and enacted to be of full force and virtue, for and during and unto the full end and term of six years from and after the passing of this Act, and from thence to the end of the then next session of the General Assembly, and no longer.

ANDREW RUTLEDGE, *Speaker.*


In the Council Chamber, the 16th day of May, 1752.

Assented to: JAMES GLEN.

AN ACT FOR APPOINTING COMMISSIONERS TO STAMP AND SIGN THE SUM OF TWENTY THOUSAND POUNDS IN PAPER BILLS OF CREDIT, TO BE EXCHANGED FOR SUCH OF THE BILLS OF CREDIT AS WERE LATELY STAMPED UPON BAD PAPER, AND ARE BECOME OBLITERATED, TORN AND DEFACED.

No. 805.

WHEREAS, many of the paper bills of credit in this Province, lately signed and exchanged, were stamped upon paper which proved so bad that they are become so obliterated, torn and defaced as to be scarce

A. D. 1752.  pasable, and it being necessary that a sum of money should be immediately stamped in order to exchange the said bills, we therefore humbly pray his most sacred Majesty that it may be enacted,

Commissioners nominated to stamp and sign bills to the amount of £20,000, to replace bills torn and obliterated.

I. *And be it enacted*, by his Excellency James Glen, Esq., Governor-in-chief and Captain General in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the House of Assembly of the said Province, and by the authority of the same, That the Hon. Alexander Vander Dusen and Edward Fenwicke, Esquires, and Thomas Smith, Jordan Roche, George Saxby, Rawlins Lowndes and Robert Pringle, Esquires, or any four of them, be and they are hereby impowered and required to print off and duly sign, of such denominations as they shall think proper, to the amount in the whole of twenty thousand pounds, in the current bills of this Province; which said sum of twenty thousand pounds shall be lodged in the hands of the public treasurer for the time being, and shall be by him, from time to time, issued and exchanged for such of the current lawful bills of this Province which shall be torn, obliterated or defaced, and shall be brought to him for that purpose, and shall not be issued on any other account or pretence whatsoever; and the said treasurer shall, once every year, render an account to the General Assembly of the sums he shall yearly exchange for torn, obliterated and defaced bills, or parts thereof, to the end that such torn, obliterated and defaced bills or parts thereof may, before a committee of both houses, be burnt or destroyed.

Commissioners dying or removing.

II. *And be it further enacted* by the authority aforesaid, That in case any of the said commissioners shall happen to dye or depart this Province, before they have executed the powers given them by this Act, it shall and may be lawful for his Excellency the Governor, or the Commander-in-chief for the time being, to nominate and appoint another commissioner or commissioners in the room of him or them who shall so happen to dye or depart this Province; and such commissioner or commissioners so nominated and appointed shall have the same powers for the purposes aforesaid as the commissioners herein named.

ANDREW RUTLEDGE, *Speaker*.

In the Council Chamber, the 16th day of May, 1752.

Assented to: JAMES GLEN.

No. 806. *AN ORDINANCE* FOR APPOINTING ANOTHER COUNTRY WAITER FOR THE PORT OF CHARLESTOWN, AND FOR APPOINTING A COUNTRY WAITER FOR THE PORT OF BEAUFORT, PORT ROYAL, AND A COUNTRY WAITER FOR THE PORT OF GEORGETOWN, WINYAW.

WHEREAS, it is necessary that another country waiter be appointed for the port of Charlestown, and a country waiter for the port of Beaufort, Port Royal, and a country waiter for the port of Georgetown, Winyaw,

I. *Be it therefore ordained*, by his Excellency James Glen, Esq. Governor-in-chief and Captain-General in and over the Province of South Carolina, with the advice and consent of his Majesty's Council and the House of Assembly of the said Province, now met in General Assembly

and by the authority of the same, That Mr. Thomas Ballantine shall be and he is hereby appointed a country waiter for the port of Charlestown; and the said Thomas Ballantine shall have the same powers and authorities for executing the office of a country waiter, to all intents and purposes whatsoever, as are by law given to Mr. John Ballantine, the present country waiter for the said port, and shall have the same salary and perquisites, to be paid in the same manner as the said John Ballantine's salary and perquisites are appointed to be paid. A. D. 1752.

II. *And be it further ordained* by the authority aforesaid, That Mr. Nathaniel Greene shall be, and he is hereby appointed, country waiter for the port of Beaufort, Port Royal; and that Mr. Joseph Dubourdeaux shall be, and he is hereby appointed, country waiter for the port of Georgetown, Winyaw. And the said country waiters shall have the same powers and authorities, to all intents and purposes, for executing their offices respectively, as are by law given to the country waiter in Charlestown; and shall each have a salary of one hundred pounds per annum, to be paid out of the duties arising on liquors, spirits and other goods and merchandize imported into and exported out of the respective ports for which they are appointed waiters, and shall have the same perquisites as the country waiter at the port of Charlestown is by law entitled unto.

ANDREW RUTLEDGE *Speaker.*

In the Council Chamber, the 16th day of May, 1752.

Assented to: JAMES GLEN.

AN ACT FOR THE BETTER PREVENTING OF EXCESSIVE AND DECEITFUL GAMING. No. 807.

WHEREAS, games and exercise should not be otherways used than as innocent and moderate recreations, and not as constant trades or callings to gain a living or make unlawful advantage thereby; and whereas, by the immoderate use of them, many mischiefs and inconveniencys do arise and are daily found, to the maintaining and encouraging sundry idle, loose and disorderly persons in their dishonest, lewd and dissolute course of life, and to the circumventing, deceiving and debauching of many of the younger sort of people and others, to the loss of their time and the ruin of their estates and fortunes; for prevention of which evils for the future, we pray his most sacred Majesty that it may be enacted, Preamble.

I. *And be it enacted*, by his Excellency James Glen, Esq., Captain-General and Governor-in-chief in and over the Province of South Carolina, by and with the advice and consent of his Majesty's honorable Council and the House of Assembly of the said Province, and by the authority of the same, That from and after the passing of this Act, all bills, bonds, judgments, mortgages, or other securities or conveyances whatsoever, (negotiable bills excepted) given, granted, drawn, or entered into, or executed, by any person or persons whatsoever, where the consideration of such conveyances or securities shall be for any money or other valuable things whatsoever, won by gaming, or playing at cards, dice, tables, tennis, bowls, or other game or games, bet or bets, chance or chances, of any kind whatsoever, or by betting on the sides or hands of such as do game at any of the games aforesaid, or for the reimbursing or repaying any

All securities given for money won by gaming (negotiable notes excepted) shall be void.

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money knowingly lent or advanced for such gaming or betting as aforesaid, or lent or advanced at the time and place of such play, to any person or persons so gaming or betting as aforesaid, or who shall, during such play, so play or bet, shall be utterly void, frustrate, and of none effect, to all intents and purposes whatsoever; any statute, law or usage to the contrary thereof in any wise notwithstanding. And that where such mortgages, securitys or other conveyances, shall be of lands, tenements or hereditaments, or shall be such as incumber or affect the same, such mortgages, securitys or other conveyances shall enure and be to and for the sole use and benefit of, and shall devolve upon, such person or persons as should or might have or be entitled to such lands, tenements or hereditaments, in case the said grantor or grantors thereof, or the person or persons so incumbering the same, had been naturally dead, and as if such mortgages, securitys or other conveyances had been made to such person or persons so to be entitled after the decease of the person or persons so incumbering the same. And that all grants or conveyances to be made for the preventing of such lands, tenements or hereditaments from coming to or devolving upon such person or persons, hereby intended to enjoy the same as aforesaid, shall be deemed fraudulent and void, and of none effect, to all intents and purposes whatsoever.

All money lost
by gaming
above £5 may
be recovered
by suit or
action of debt.

II. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, any person or persons whatsoever who shall, at any time or times, sitting or sittings, within the space of twenty-four hours, by playing at cards, dice, tables, or other game or games whatsoever, or by betting on the sides or hands of such as do play at any of the games aforesaid, lose to any one or more persons so playing or betting, in the whole, the sum or value of five pounds current money of this Province, and shall pay or deliver the same, or any part thereof, the person or persons so losing and paying or delivering the same, shall be at liberty, within one month then next following, and not after, to sue for and recover the money or goods so lost and paid or delivered, or any part thereof, from the respective winner and winners thereof, with costs, by warrant from a justice of the peace, in nature of a warrant for debt, founded on this Act, in case the money or goods so lost and paid or delivered, above the value of five pounds, shall not exceed the value of twenty pounds current money; and in case the money or goods so lost and paid or delivered shall exceed the value of twenty pounds current money, the loser shall and may recover the same from the winner or winners, with costs, by action of debt, founded on this Act, to be prosecuted in his Majesty's court of common pleas in this Province, in which actions or suits no essoign, protection, wager of law, privilege, or more than one imparlance, shall be allowed; and in which action or suit it shall be sufficient for the plaintiff to alledge that the defendant or defendants are indebted to the plaintiff, or received to the plaintiff's use the moneys so lost or paid, or converted the goods won of the plaintiff to the defendant's use, whereby the plaintiff's action or suit accrued to him, according to the form of this Act, without setting forth the special matter. And in case the person or persons who shall lose such money or other thing as aforesaid shall not, within the time aforesaid, really and bona fide, and without covin or collusion, sue for and afterwards with effect prosecute for the money or other thing so by him or them lost and paid or delivered as aforesaid, it shall and may be lawful to and for any person or persons, by any such action or suit as aforesaid, to sue for and recover the same, and treble the value thereof, with costs of suit, against such winner or winners as aforesaid; unless such winner or winners shall, within ten days after the winning such money or thing, repay

And recover
treble value,
with costs, un-
less repaid by
the winner
within 10 days.

or redeliver to the loser such money or thing so won and received as aforesaid, together with such costs of suit as may have accrued before the repayment or re-delivery of such money or thing; the one moiety of which penalty shall be to the use of the person or persons that will sue for the same, and the other moiety to the use of the poor of the parish where the offence shall be committed.

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III. And for the better discovery of the moneys or things so won and received, and to be sued for and recovered as aforesaid, *It is hereby further enacted* by the authority aforesaid, That all and every the person or persons who by virtue of this present Act shall or may be liable to be sued for the same, shall be obliged and compellable to answer upon oath such bill or bills in equity as shall be preferred against him or them, for discovering the sum and sums of money or other thing so won and received at play as aforesaid.

Defendant may be compelled to answer upon oath in equity.

IV. *Provided always, and be it nevertheless enacted* by the authority aforesaid, That upon the discovery and repayment of the money or other thing so to be discovered and repaid as aforesaid, together with any costs that may have accrued, the person or persons who shall so discover and repay the same as aforesaid shall be acquitted, indemnified and discharged from any further or other punishment, forfeiture or penalty, which he or they may have incurred by the playing for or winning such money or other thing, so discovered and repaid as aforesaid; any former or other act, law or usage, or any thing in this present Act contained, to the contrary thereof in any wise notwithstanding.

But not where the money and costs are repaid

V. *And be it further enacted* by the authority aforesaid, That if any person or persons whatsoever, at any time or times after the passing of this Act, do or shall, by fraud or shift, cousenage, circumvention, deceit or unlawful device, or ill practice whatsoever, by playing at and with cards, dice, or any of the games aforesaid, or in or by bearing a share or part in the stakes, wagers or adventures, or in or by betting on the sides or hands of such as do or shall play as aforesaid, win, obtain or acquire to him or themselves, or to any other or others, any sum or sums of money, or other valuable thing or things whatsoever, that then every person or persons so winning by such ill practice as aforesaid, being convicted thereof upon an indictment or information, to be exhibited against him or them for that purpose, shall forfeit five times the value of the sum or sums of money or other thing so won as aforesaid; and in case of such ill practice as aforesaid, shall suffer such corporal punishment as the court before whom the same shall be tried shall think fit to inflict, not extending to loss of life or member; and such penalty to be recovered by such person or persons as shall sue for the same by such action as aforesaid.

Fraudulent gaming liable to indictment.

VI. *And be it further enacted* by the authority aforesaid, That this Act shall be deemed a public Act, and shall be taken as such by all judges, justices and magistrates, and in all courts within this Province, and shall continue in force for the term of three years, and from thence to the end of the next sessions of the General Assembly, and no longer.

Limitation, 3 years.

ANDREW RUTLEDGE, *Speaker.*

In the Council Chamber, the 16th day of May, 1752.

Assented to: JAMES GLEN.

A D. 1753.

No. 808. *AN ACT* FOR PROHIBITING AND PREVENTING THE EXPORTATION OF CORN, PEASE AND SMALL RICE FROM THIS PROVINCE, FOR THE TERM THEREIN MENTIONED.

Preamble.

WHEREAS, from the great drought which happened the last summer, and the dreadful hurricane with which this Province was afflicted on the fifteenth day of September last, there is great reason to fear that the corn, pease and small rice, made in this Province, will not be sufficient for the support of the inhabitants thereof; we therefore humbly pray his most sacred Majesty that it may be enacted,

Exportation of corn, pease and small rice for- bidden for 12 months to come.

Penalties.

Except for pro- vision for the vessel.

Masters of vesse's to enter into bond to the Collector.

Condition of the bond.

Suits to be commenced within nine months.

Treasurer, comptroller and waiter may enter and search vessels and seize the unlawful part of the cargo for the use of the poor.

I. *And be it enacted*, by His Excellency James Glen, Esquire, Governor-in-chief and Captain General in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the House of Assembly of this Province, and by the authority of the same, That for the term of twelve months from the time of passing this Act, no corn, pease or small rice of the growth of this Province, shall be laden on board any vessel and exported or carried out of or beyond the bounds or limits of this Province, by any person or persons whatsoever, either by land or water, upon pain of forfeiting for every bushel of corn or pease so exported, the sum of three shillings proclamation money, and for every hundred pounds weight of small rice, the sum of six shillings like money, one moiety thereof to the use of the poor of the parish where the offence shall be committed, and the other moiety to such person as shall inform and sue for the same in any court of record in this Province; provided always nevertheless, that it shall and may be lawful for any owner, master or patroon of any vessel whatever, to take on board the quantity of two bushels of corn or pease or of one hundred weight of small rice, as provisiuous, for every person on board such vessel, to be exported from this Province to any port or place whatsoever without the limits thereof; any thing hereinbefore contained to the contrary notwithstanding.

II. *And it is hereby further enacted*, That the commander or master of every ship or vessel that shall after the passing of this Act clear out at any port in this Province, for any part of America, shall enter into bond with the treasurer or collector of the country duties, with one or more sufficient securitys, in the sum of two hundred pounds proclamation money penalty, that he will not, after his said clearing, at any time during his intended voyage, take on board his said ship or vessel at any port, creek or harbour in this Province, or upon the coast thereof, any of the above enumerated commoditys, contrary to the intent and meaning of this Act; which bond the treasurer or collector of the country duties shall take without fee or reward; provided, that all suits or prosecutions for the penalty of the said bond shall be commenced within nine months after the respective date thereof, and not afterwards.

III. *And be it further enacted* by the authority aforesaid, That the treasurer, comptroller or waiter, shall and may at any time within the term aforesaid, enter into and search any vessels or pettyaugers, and in case that they shall find that the owner, master or patroon have offended contrary to the true intent and meaning of this Act, then to seize such vessel or pettyauger, and also the corn, pease or small rice found on board the same, contrary to the intent and meaning of this Act, and to secure the same until condemned or delivered by due course of law; the one moiety of which forfeiture shall be to the use of the poor of the

parish where the offence shall be committed, and the other moiety to him or them who will inform and sue for the same in any court of record within the same, by action of debt, bill, plaint or information, wherein no essoin, privilege, protection or wager of law shall be allowed, or any more than one imparlance.

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IV. *And be it further enacted* by the authority aforesaid, That all and every owner and owners of decked pettyaugers and coasting boats, shall be obliged, and they and every of them are hereby enjoined and required, within one month after the passing of this Act, to give bond to the public treasurer of this Province, or the treasurer of the port of Georgetown, Winyaw, or the treasurer of Beaufort, Port Royal, in the penalty of two hundred pounds proclamation money, with condition that their respective pettyaugers or boats shall not be made use of or employed in any manner whatever in the exporting, or assisting in the exporting, of any of the above enumerated commoditys, contrary to the intent and meaning of this Act; which bond the treasurer shall take without fee or reward; provided, that all suits or prosecutions for such penalty shall be commenced within twelve months after the date of such bond; and in case any owner or owners of any such pettyaugers or boats shall neglect or refuse to give bond by the time above appointed, he or she and they shall forfeit the sum of two hundred pounds proclamation money, to be recovered and applied in the same manner as the other penaltys imposed by this Act are directed to be recovered and applied.

Owners of
coasting boats
to give bond.

Condition of
the bond.

Suits thereon
to be commenced
in twelve
months.

JAMES MICHIE, *Speaker.*

In the Council Chamber, the 7th day of October, 1752.

Assented to : JAMES GLEN.

AN ACT FOR ALTERING AND AMENDING THE SIXTH AND SEVENTH PARAGRAPHS OF THE ACT ENTITLED "*An Act for the better strengthening of this Province by granting to his Majesty certain taxes and impositions on the purchasers of Negroes and other Slaves imported, and for appropriating the same to the uses therein mentioned; and for granting to his Majesty a duty on Liquors and other Goods and Merchandize, for the uses therein mentioned; and for exempting the purchasers of Negroes and other slaves imported, from payment of the tax, and the Liquors and other Goods and Merchandize from the duties imposed by any former Act or Acts of the General Assembly of this Province.*"

No. 809.

WHEREAS, a sufficient quantity of vacant lands for settling poor Protestants cannot be found within the bounds limited and ascertained for that purpose in and by the sixth paragraph of the Act intituled an Act for the better strengthening of this Province, by granting to his Majesty certain taxes and impositions on the purchasers of negroes and other slaves imported, and for appropriating the same to the uses therein mentioned; and for granting to his Majesty a duty on liquors and other goods and merchandize, for the uses therein mentioned; and for exempting the purchasers of negroes and other slaves imported, from payment of the tax, and the liquors and other goods and merchandize from the

Preamble.

A. D. 1752.

Former appropriations for the encouragement of poor Protestant settler altered.

dutys imposed by any former Act or Acts of the General Assembly of this Province; which limitation has in a great measure defeated the good intentions of the said Act; we therefore humbly pray his most sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Excellency James Glen, Esquire, Governor-in-chief and Captain General in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council, and the Assembly of the said Province, and by the authority of the same, That the several sums of money appropriated and applied by the said sixth paragraph of the said Act, as an encouragement to poor Protestants to become settlers in this Province, within the bounds thereby limited and ascertained, shall be and are hereby appropriated and applied in the following manner, and not otherwise, (that is to say) for payment of the sum of five pounds proclamation money, to be laid out in plantation tools, or in tools proper for their respective occupations, and corn or other provisions, for every free poor foreign Protestant from Europe now in this Province, and who have not already received the said bounty, or who shall arrive here from Europe within four months from the time of passing this Act, under the age of fifty and above the age of twelve years; and for payment of the sum of two pounds and ten shillings like money, to be laid out in corn or other provisions, for every such free poor foreign Protestant above the age of two and under the age of twelve years, coming from Europe within the said term of four months; and likewise for purchasing a cow and calf for every five such poor Protestants as shall be settled together, and the like bounty respectively for every poor Protestant, his Majesty's subjects from Europe, who shall produce a certificate, as by the said recited Act is directed, who shall come over within the said term of four months; one moiety of which bounty shall be delivered to the said free poor Protestants upon their demanding the same, and the other moiety as soon as they shall be actually settled in any part of this Province; provided the said fund shall be in cash, to answer the same; any thing in the said recited Act contained, to the contrary thereof in any wise notwithstanding.

One half the bounty heretofore granted to be paid hereafter to Protestant settlers arriving during four months hence.

II. *And be it further enacted* by the authority aforesaid, That after the bounty hereby given to such free poor Protestants as are already arrived, and to such as shall hereafter arrive within the said term of four months, shall be fully satisfied and paid, then the several sums of money which shall thereafter arise by the tax imposed by the said recited Act, and which is appropriated and applied by the said sixth paragraph of the said Act, as an encouragement to Protestants to become settlers in this Province, shall be and are hereby appropriated and applied for and during the continuance of the remaining term of the said Act, to the use of poor Protestants coming from Europe to settle in this Province, after the rate of half the several sums per head allowed by this Act, to such poor Protestants as now are or shall arrive in this Province within the term of four months next after the passing of this Act; which said half bountys respectively shall be paid in the same manner as is hereinbefore directed for the whole bountys; any thing in the said recited Act contained, to the contrary thereof in any wise notwithstanding.

JAMES MICHIE, *Speaker.*

In the Council Chamber, the 7th day of October, 1752.

Assented to: JAMES GLEN.

NOTES TO VOLUME THIRD.

It has been intimated to me by one or two gentlemen of the bar, whose opinions are entitled to respect, that the Notes would be much more conveniently arranged at the end of each Act, than collected in a separate series at the end of the volume. I think so too: the proposed arrangement would have advantages and save trouble in consultation. But a large portion of the present volume was printed off before the adjournment of the last Legislature, and therefore the plan could not have been adopted for the present volume.

But allowing the convenience of the arrangement, I could not adopt it for this and the succeeding volume, but at the hazard of sacrificing accuracy. Until the publication of the laws subsequent to the adoption of the present Constitution of South Carolina, there is no printed collection of them extant. Grimke's volume of public laws is so mutilated and imperfect—he has omitted so many laws and parts of laws, that it is nearly useless for the purposes of the present publication. I have therefore neglected it, and gone through every original manuscript Act now to be found, making to them my own Notes of marginal abridgement. Under these circumstances, I could not be aware of the bearing of the several Acts on each other in this and the succeeding volume, till I had the whole collection under my purview. I did not choose to commit myself to Notes on each Act, composed and written *currente calamo*, without the aid of the Acts that were to come after in the same volume. I have therefore, however reluctantly, preferred giving the notes at the end of the volume, that the necessary sources of information might not escape me.—EDITOR.

NOTES.

No. 390. *An Act for the more speedy and regular trial of Pirates*; p. 41. See on this subject, vol. 2, pages 25, 465, 476, 733. Also, Act of February 27, 1788.

No. 414. *An Act against excessive Usury*; p. 104. See p. 132 of this vol. Also, Act of January 2, 1777, for reducing the interest of money. Also, Act of 1830, pamphlet laws, p. 27. Also, Act of 1831, pamphlet laws, p. 48, 49. Also, the following reported cases.

Cases.—Atkinson v. Executors of Scott, 1 Bay, 303. Foltz v. May, 1 Bay, 479. Payne v. Trezevant, 2 Bay, 23. Solomons v. Jones, 1 Tread. 144. Levy v. Hampton, 1 M'Cord, 145. Mott v. Dowell, 1 M'Cord, 350. Executor of Thomas v. Brown, 1 M'Cord, 557. Fleming v. Mulligan, 2 M'Cord, 173. Wilks v. Brummer, 2 M'Cord, 178. Willard v. Reeder, 2 M'Cord, 369. Knight v. Packard, 3 M'Cord, 71. Fulmer v. Hays, 3 M'Cord, 256. Jones ads. Johnson, 3 M'Cord, 365. Craig v. Reeder, 3 M'Cord, 414. Johnson v. Veal, 3 M'Cord, 449. Wurden v. Clifford, 4 M'Cord, 65. Stone v. Jones, 4 M'Cord, 254. Keckley v. Cheer, 4 M'Cord, 397. Harick v. Jones, 4 M'Cord, 402.

Brown v. Faucett, 1 Harp. 81. *Wallis v. Nelson*, 1 Harp. 144. *Steward v. Fowler*, 1 Harp. 402. *Cleveland v. Dare*, 1 Harp. 407. *Miller v. Kerr*, 1 Bail. 4. *Brock v. Thompson*, 1 Bail. 322. *Harmon v. Arthur*, 1 Bail. 83. *Fowler v. Henry*, 2 Bail. 54. *Odell v. Cook*, 2 Bail. 59. *Chastain v. Johnson*, 2 Bail. 574. *Anonymous*, 2 Eq. Rep. 333. *Ratliff's Executors v. Wightman*, 1 M'Cord Ch. Rep. 408. *Trescott v. Trescott's Administrator*, 1 M'Cord Ch. Rep. 433. *Maffett v. M'Dowell*, 1 M'Cord's Ch. Rep. 434. *Stock v. Parker*, 2 M'Cord's Ch. Rep. 383. *Magwood v. Duggan*, Hill's Rep. for 1833, 182. *Wurtz v. Thynes*, 2 Hill's Ch. Rep. 179. *Pickett v. Pickett*, ib. 473.

Laws settling the rate of interest at which money shall be computed in cases where the parties have not previously settled it themselves, are of manifest utility. As in cases of trusts, executorships, agencies, and the like. But there are grave objections to the policy of usury laws, making it penal to ask and receive a higher rate of interest than the one established by positive law, even where the parties make their mutual contract with their eyes open.

1st. Laws should be made to enforce contracts deliberately entered into by the parties, with a full knowledge of their own reasons and motives. Legislators are incompetent to the purpose of making contracts by law, because they cannot know the circumstances under which the parties severally contract with each other.

2nd. Money is really worth more at one time than another; and to one person more than to another. Suppose a sudden contraction of bank issues, and a consequent scarcity in the money market: a merchant pressed for a sum of money for a short time to save his credit: or having a vessel at the wharf on expences for want of a temporary supply to send it off. Suppose the sudden offer of a good bargain in an article which is indispensable to the borrower. Suppose he can borrow at 8 per cent. and make 20 per cent. of the loan, &c. &c.

3rd. If a merchant sends his note into the market to raise a temporary supply, what law can prevent his negotiating it at a higher than legal interest? This is done every day.

4th. All laws increasing the risk of the lender, and of money lent, only add to the expences of the borrower, who always pays them. They are a tax on the unfortunate.

5th. They are unequal in principle. A man has a thousand dollars to spare: he is prohibited from lending it for more than a certain rate of interest. But he may put it in the form of a house and get as much as any body chooses to give him; or invest it in a Bank or Insurance Company, and get double the interest that the law allows. This is an unwise legal expulsion of money from the money market. Men of adult age and common sense, know their own interest better than any Legislature can tell them. Nor is it fair to impute dishonesty to a transaction voluntarily entered into by the parties, with their eyes open, and fully aware of all the circumstances of the case, which ought to guide them.

6th. Moreover, every one acknowledges that compensation ought to be proportioned to risk. It is so in the case of Bottomry and Respondentia bonds; every Insurance Office insists on it; the whole business of the stock exchange is founded on this principle, because it is a principle of common sense, strangely counteracted by Usury laws. The prohibition of catching bargains in cases of minors, depends on other considerations, and laws prohibiting them may well be justified; for in this case there is incompetence of judgement and experience. No infant can contract but for his own manifest benefit, as in case of necessities.

For all these reasons it should seem, that the less legislatures interfere with the common business concerns of those who ought to know what they are about, the better. The best policy seems to be Cobourg's "Let us alone."

No. 426. *An Act to prohibit the exportation of Provisions, &c.*

Qu. If this be not rather an Act to discourage the raising of provisions: for the farmer has as much right to take advantage of a rise in the demand, as every other producer has. The higher the price, the more abundant will be the next year's supply. No man will raise a commodity on which the consumer is allowed to set his own price.

No. 433. *An Act for preventing the desertion of Insolvent debtors, &c.* This is an Act to deprive settlers of the credit which would otherwise be extended to them. All Acts that interfere with the due course of law between debtor and creditor, are sure to work against the real interest of the former.

No. 438. *An Act for preventing as much as may be the spreading of contagious disorders.* See vol. 2. p. 382. Act of 26 March, 1784, partly repealed by Act of 19 March, 1785. Act of 19 Dec. 1796. Act of 1809, page 47 of the pamphlet laws. Act of 1827, p. 59. Act of 1832, p. 54. Act of 1833, p. 56: the three last are Quarantine Laws. It is not yet settled whether the benefit of Quarantine Laws is not purchased too dearly. See the references at the end of the present Act, p. 130 of this volume. See also the Quarantine Act of 1759, No. 881.

No. 439. *Act for the speedy recovery of small debts.* There are several of these Acts, now superseded by later enactment. See Act of June, 1747, p. 701 of this volume, and the reference there to the concluding volume.

No. 446. *An Act to ascertain the manner and form of electing members, &c.* See Act of April 7, 1759, No. 885; also the proviso to Sect. 31 of the County Court Act of 17 March, 1785. Act of 8 March, 1787. Act for St. John Colleton County, Feb. 27, 1788. Act altering the places of holding elections in St. James Santee, Christ Church, Prince Frederick, St. Helena, All Saints, and St. George Dorchester, 7 March, 1789. Election Act for President and Vice President, 3 Dec. 1792. For members of Congress, 21 Dec. 1792, and 18 Dec. 1802; of the Legislature, 17 Dec. 1803. Pamphlet Acts of 1803, p. 39; of 1809, p. 27, 60. Members of Congress, 1811, p. 52; 1815, p. 58; 1818, p. 39, 40; 1819, p. 18; 1821, p. 35; 1822, p. 32; 1834, p. 74; 1829, p. 22; 1831, p. 37 to 47; 1832, p. 51, repealing the preceding Act. The Acts above referred to, relate to legislative elections; not to the election of municipal officers.

See the State v. Bruce, 1 Tread. 165, and McGrier v. Shackleford, 2 Tread. 642, as to Mandamus v. Managers of elections, which does not lie. See also as to Sheriffs elections, The State v. Huggins, 1 Harp. 139. The State v. Durant, 1 Harp. 319.

No. 454. *An Ordinance for appointing a Committee for revising the Laws.*

I cannot find the records of the proceedings of that committee. Such a committee will have to be appointed when this edition of the Statutes at large is finished; in my opinion it will be indispensable. Much controversy has taken place of late years as to the expediency of codifying the whole body of the law, on which I decline giving any opinion, for the brief space allotted to a note will

not allow me to assign my reasons at sufficient length. But what can be the objection to condensing ten or a dozen Acts scattered through the book into one comprehensive law? Such as the Militia Law, the Law relating to Highways, Bridges and Ferries, the Law regulating the management of our coloured population, the regulations pertaining to Charleston, and very many others; directing the incorporation in those laws, of the approved decisions of our Courts on the various subjects. This might be effected as to our Statute Law within the compass of two volumes. True, it will not put an end to litigation; it will not supercede future legislation, because new circumstances are arising in society continually, presenting new questions to be argued and settled. But as in a long settlement of accounts, periodical rests and liquidations become absolutely necessary to prevent inextricable confusion, so periodical summaries of what ought to become permanent legislation, are necessary for settling the lines of fixed law, and furnishing new starting places for harmonious additions hereafter.

Est quoddam prodire tenus si non datur ultra.

Much has been thus successfully and beneficially effected in New York, Pennsylvania, Virginia; and South Carolina ought not to be long behind in digesting a Revised Code.

No. 459. *An Act for the relief of poor debtors.* This is in fact an Insolvent Debtors Act, cognizable before Justices of the Peace. See hereafter the Insolvent Debtors Act of April, 1759.

No. 461. *An Act for preventing the desertion of Insolvent Debtors.* The policy of this Act is very dubious. Its tendency seems to be to encourage idleness and dishonesty; a carelessness about the obligation of contracts. If a man is really and bona fide unable to perform his contracts, let him shew it and obtain a regular discharge. The creditors of poor debtors are usually of the poorer class themselves. It is of great moment in society to enforce the habitual punctuality of living up to the contracts which are deliberately entered into.

No. 469. *An Act to encourage the making of Hemp.* If making hemp be a profitable occupation, it does not require artificial legislative encouragement; if it be not profitable, it is not for the good of the public that money should be wasted in the pursuit. What right has the legislature to tax the citizens generally, that an unprofitable occupation may become profitable to the pursuer?

No. 486. *An Act for settling and regulating the pilotage of this Province.* See the Index of the preceding volume under the head Pilots and Pilotage; and the articles Quarantine and Contagious disorders.

No. 521. *An Act for the encouragement of the killing and destroying beasts of prey.* See Index of the last volume under title Beasts of Prey.

No. 530, and 531, pages 274 and 287. *The Jury Acts.* See the preceding volume, Index, title Jurors. The words in the 3d and 4th Sections "in the presence of the persons hereafter named," are repealed by the Circuit Court Act of 1769.

Sect. 4. The title of Provost Marshall abolished by Circuit Court Act of 1769, and that of Sheriff substituted.

Sect. 9. See the 17th clause of the Circuit Court Act of 1769, and thereupon quere whether the power of fixing the time of drawing all Juries and in all districts is not given to the Judges.

Sect. 15. The fine of 40s. altered to £5 proclamation money by Act of Assembly, 5 April, 1740.

Sect. 16. Except Special Courts of Pleas, in which case 2 days shall be deemed sufficient. Grimke observes that there are now no Special Courts; but *non constat* but there may be.

Sect. 18. Makes of force Stat. 33 Ed. 1. See *The State v. Dav. Barrontine*, 2 Nott and M'Cord, 553.

Sect. 20. Altered by the Circuit Act of 1769.

Sect. 22. Quere if the power given to the Chief Justice in the first paragraph of this Section is not taken away by the 17th Sect. of the Circuit Court Act of 1769.

Sect. 28. "That any person who shall appear in any of the Courts of Justice, &c." This latter part of this Section is copied partly from 6 and 7 Wm. 3, ch. 34. See also Constitution of South Carolina, Sect. 38.

Sect. 29. See Constitution of South Carolina, Sect. 36.

Sect. 30. "The said Court shall always hereafter be holden before the Chief Justice of this Province." This is altered by Act of Assembly, 1789, and any one Judge is empowered to hold the Court.

"The said Court shall sit twice in every year." Altered by Circuit Court Act of 1769, and made 3 times in the year. See Act of Assembly, 25 March, 1778, and Act of 1789.

Sect. 32. Altered by Act of Assembly, 1789.

Sect. 35. "All Constables in this Province, &c." See the Act for the better ordering and governing of Negroes, &c., 10 May, 1740, Sect. 51; also Act of 1778.

Sect. 36. Repealed by Act of Assembly, 1787.

Sect. 37 and 38. Grimke marks as absolute.

Sect. 39. The Statute here referred to, is 8 and 9 Wm. 3, ch. 27, inserted in vol. 2. of this work, p. 553.

Sect. 40. See Sect. 3 of Act of Assembly of 28 March, 1787.

Sect. 42. Grimke has omitted as obsolete.

Sect. 43. Copied partly from 7 W. 3, ch. 3, inserted vol. 2, p. 539.

By Act of 27 Eliz. ch. 7, 1585, retained in Grimke's first appendix, page 12, (but without any sufficient authority that I can find,) no Juror shall be returned without the addition of his dwelling place, and in every extract of issues against a Juror, his addition shall be put.

And I find that the Act of 6th and 7th Will. 3d, ch. 4, exempting apothecaries (within 7 miles of London, and in the city,) from serving on Juries, is adopted in our Acts of Assembly, that is as to the profession of apothecary.

See the following Statutes and Acts of Assembly, relating to Juries and Jurors; Juror being Ambidexter, see vol. 2, Stat. at Large, p. 716, and Stat. of Edw. 3d, there noted: Allowance to Jurors, Sect. 18 of Act Sept. 20th, 1721; Act to prevent delay of justice, April 5th, 1740, (No. 667 of this vol.) Sects. 1, 2, 3; Act of 29th May, 1744, to appoint persons to serve on Juries, No. 743; Act of 4 May, 1751, No. 783; Act of 29th July, 1769, for establishing courts, Sect. 23, relating to special Jurors; Ordinance of 31st August, 1779; Act of 28th March, 1778, Sect. 7; Act of 16th March, 1783, Sect. 2, *de mediatate lin-*

guæ; Act for establishing County Courts, 17th March, 1785, Sect. 49; another Act for establishing County Courts, 19th Feb. 1791, Sect. last; Act of 20th Dec. 1791; Act of 12th Dec. 1795, last Sect. concerning verdict of Juries to be given in dollars and cents; Act of 19th Dec. 1796, concerning City Council of Charlestown, last Sect. exempting certain officers from sitting on Juries; Act of 16th Dec. 1797, as to Special Juries; another Act of same year and date, exempting certain officers from serving as Jurors; Judicature Act of 24th Dec. 1798, Sects. 5, 6, 7: and Act to revise and amend preceding Act, 18th Dec. 1799, Sects. 6, 7, 8; Act of 20th Dec. 1800; Act of 17th Dec. 1803, relating to Juries in Charlestown.

See Pamphlet Acts, 1805, p. 48—Exemption of certain Officers. See likewise on exemptions, Pamphlet Act, 1811, p. 38, and Act, 1816, p. 10. See 1817, p. 70, 71, and 75, on exemptions. Act of 1818, p. 24, 57. See Pamphlet Act of 1824, p. 25, on pay of Grand Jurors. Act of 1828, p. 32, concerning recompense of Jurors for that year. Act for compensation under presiding Judge's certificate, Pamph. Acts of 1831, p. 45—Exemption of members of certain fire companies, *ib.* p. 56; last Act repealed, 1833, p. 56; pay of Grand and Petit Jurors, \$1 50 per diem—see Act 1836, p. 63.

See collection of Acts in concluding vol. relating to Courts.

CASES.—See *Thompson v. Mallet*, 2 Bay, 94; *State v. O'Driscoll*, *ib.* 153; *Kinloch v. Palmer*, 1 Mills, 224; *Mearden v. Beath and Miles*, 1 Mills, 254; *Darby v. Calhoun*, *ib.* 398; *State v. Baldwin*, 1 Tread. 289; *Price v. M'Ilvain*, 2 Tread. 503; *State v. Bennett*, 2 Tread. 693; *Blyth v. Marsh et. al.* 1 N. and M'C. 171—in case of common carrier, the mode of loss a question for Jury: see also 1 M'C. 360; Judge has a right to assist the Jury as to fact, provided finally he leave the whole question of fact to them; *State v. Camden*, *ib.* 98—Marriage as mere matter of fact, question for Jury, *Cockvill v. Calhoun*, *ib.* 287; See 2 N. and M'C. 114—a verdict in the alternative, ground for new trial, *Murdoch v. McDowell*, *ib.* 240—verdict conclusive, only as to doubtful facts; *Roberts v. Slagg*, *ib.* 429. Jury have a right to 5s. per verdict, besides daily pay; *Cleary v. Wells*, 2 N. and M'C. 442—see *State v. Barrontine*, (challenges to Jurors,) *ib.* 553; *State v. Fisher*, (challenges) *ib.* 264; *State v. Edwards*, *ib.* 15; *Denton et ux. v. English*, *ib.* 376; Jury polled, *Martin v. Maverick*, 1 M'C, 24; *Burguin & Co. v. Flynn*, 1 M'Cord, 316; *Tart v. Crawford*, *ib.* 479; *Axon v. Newson*, *ib.* 509; polling the Jury—*The State v. Allen*, *ib.* 525; in the same page is an important decision in cases of libel. *Glover & Co. v. administrator of Ott*, 1 M'Cord, 572, and *Berguin & Co. v. Flinn*, *ib.* 316, as to necessities for an infant; is this a question for the Court or the Jury? *The State v. Billis*, 2 M'Cord, 12; *The State v. Wilson*, 393—religious scruples do not absolve a man from the obligations of positive law. *The State v. Crosby*, 1 Harper, '98; *The State v. Anderson*, 2 Bail. 565; *Shephard v. Lark*, 506—the Court will not pry into the proceedings of the Jury-room; *Perry v. Mays*, *ib.* 354; *The State v. Massey*, 2 Hill's Cases at Law, 379; same *v. Baldwin*, *ib.*; *The State v. Williams*, *ib.* 381—talesmen may be had in criminal cases: several points respecting talesmen.

No. 532. *An Act for the remission of the arrears of quit rent, &c.* See Sect. 7 of the Act of 9 April, 1767, for the more frequent holding of the Courts of Quarter Session; and in relation to the barring of dower, Sect. 29 of this Act, see Sect. 46 of the County Court Act of 17 March, 1785.

No. 544. *An Act for making more effectual Wills and Testaments, &c.* The second Section of this Act does not abolish survivorships, *Haugabaugh v. Honald*, 1 Tread. 90: see the Act of 17 Dec. 1824, giving Judges of the Courts of Ordinary power to divide real estates in certain cases, (Pamphlet Laws, p. 25, of that year.) As to joint tenancy under this clause, see *Jenkins v. Jenkins*, 1 Mills' Const. Rep. p. 53.

Sect. 3. Copied from 4 and 5 Ann, ch. 16.

Sect. 4. Copied from 20 Hen. 3, ch. 2. See also 28 Hen. 8, ch. 11, as to parsons bequeathing the growing crop.

Sect. 5. See 34 and 35 Hen. 8, ch. 5; 27 Hen. 8, ch. 10. See Act for granting probates, March 13, 1789—and 25 Geo. 2, ch. 6, 1729, in force here. Quere, how far this clause may affect the wills of married women and their separate property. See the case of *Lowndes v. Champrey*, decided in the Appeal^d Court of Equity, April 1821. The substance of this clause is comprehended in a parenthesis in Sect. 2 of the Probate Act of March 13, 1789. See relating to this clause, *Powel on Devises*, 113 and 4; *Desaussure's Reps.* p. 274, *Snelgrove et al v. Snelgrove et al.*

See on Wills, Stat. of 27 Hen. 8, ch. 10, vol. 2 of this work, p. 466; also, Act for preventing frauds and perjuries, Sect. 5, &c. 29 Ch. 2, ch. 3, vol. 2, p. 525: Act of 21 June, 1748, empowering persons to appoint Guardians, Sect. 1; also, Act for reviving and amending several Acts, 28 March, 1778, Sect. 2; also, Act to authorize Executors, &c. 27 March, 1787; also, Act to remedy the defects of the Court of Ordinary, 7 March, 1789; also, the Probate Act, March 13, 1789; also, the Primogeniture Act of 19 Feb. 1791; also, Pamphlet Laws of 1808, p. 59—of 1823, p. 22—of 1824, p. 24, as to Wills of personal property.

See the following cases; *Keating et ux v. Reynolds*, 1 Bay, 85; *Heyward et al. v. Hazard et al. ib.* 343; *Legare et ux. v. Ashe et al. ib.* 457; *Hopkins v. DeGraffenreid*, 2 Bay, 187; *Heyward v. Brailsford*, 2 Bay, 255; *Dickson, ex'or. v. Bates*, 2 Bay, 448; *Hopkins v. Alvertson*, 2 Bay, 484; *Kinlock v. Palmer*, 1 Mill, 225; *Pearson et al. v. Wightman*, 1 Mill, 336; *Cohen & Moses v. Simons et al. ib.* 446; *Howell v. House*, 2 Mill, 80; *Hutton v. Blalock et ux. ib.* 231; *Denton et ux. v. English et ux. ib.* 391; *Davis v. Port*, 2 Tread. 505; *Flood ads. Howser*, 1 Nott and M'C. 322; *Izard v. Montgomery, ib.* 386; *Els-worth v. Buckmyer, ib.* 431; *Brown ads. Gibson, ib.* 326; *Guery v. Vernon, ib.* 69; *Benson v. Rice & Byers*, 2 Nott & M'C. 577; *Johnson v. Brailsford, ib.* 272; *Hall v. Goodwyn, ib.* 383; *Duncan v. Beard, ib.* 400; *Taylor v. Taylor, ib.* 482; *Lyles v. Lyles, ib.* 531; *King ads. Ferguson, ib.* 588; *Sampson v. White*, 1 M'Cord, 74; *Hood v. Archer, ib.* 225; *Turnipseed v. Hawkins, ib.* 272; *Brown v. Shand, ib.* 409; *White v. Holmes, ib.* 430; *Hood v. Archer, ib.* 477; *M'Gee v. M'Cants, ib.* 517; *Witherspoon v. Dunlap, ib.* 546; *Ramsay v. Marsh*, 2 M'Cord, 252; *Carr v. Jeannerett, ib.* 66; *Newell's case, ib.* 453; *Witherspoon v. Witherspoon, ib.* 420; *Chanet v. Villeponteau*, 3 M'Cord, 29; *Means v. Moore, ib.* 282; *Houston v. Houston, ib.* 491; *Singleton v. Bremar*, 4 M'Cord, 12; *Vineyard v. Brown, ib.* 24; *in re Elcock's Will, ib.* 39; *in re Drayton's Will, ib.* 46; *Blewer v. Brightman, ib.* 60; *Petters v. Petters, ib.* 151; *Lee v. Lee, ib.* 183; *Crossland v. Murdock, ib.* 217; *Hill v. Hill, ib.* 277; *Gause v. Gause, ib.* 382; *Geiger v. Brown, ib.* 415; *Boatwright v. Faust, ib.* 439; *Hall v. Goodwyn, ib.* 442, together with *Crawford v. Dunlap*, in 2 M'Cord's Chan. Rep. 171; *Peyton v. Smith*, 4 M'Cord, 476; *Means et al. v. Moore*, 1

Harper, 314; Legatees of Caloff v. Ex'ors. of Caloff, 2 Harp. 1; Robertson v. Adm'r. of Freer, ib. 56; Jenkins v. Clement, ib. 72; McDaniel v. Moorman, ib. 108; Haynesworth v. Cox, ib. 117; Smith v. Smith, ib. 160; Franklin v. Creyon, ib. 248; M'Lemore v. Blocker, ib. 272; Taveau v. Ball's Ex'or., 1 M'Cord's Ch. Rep. 7; Thompson v. Scott, ib. 32; Vaux v. Nesbitt, ib. 360; Burke v. Wilder, ib. 551; Busie v. M'Kie, 2 M'Cord's Ch. Rep. 26; Dunlap v. Crawford, ib. 171; Myers v. Myers, ib. 214; Hall v. Hall, ib. 274; Henry v. Felder, ib. 323; Hayward v. Glover, ib. 395.

See Tomkins v. Tomkins, 1 Bail. 92; Maverich v. Austin, 1 Bail. 59; Garland v. Crow, 2 Bail. 24; Bedon v. Bedon, 2 Bail. 231; Baldrick & Weston v. White, 2 Bail. 442.

See likewise Bethea v. Bethea, 1 Hill's Law Cases, 64; Hinson et ux. v. Pickett; Myers adm'r v. Pickett, 1 Hill's Ch. Rep. 38; Cabeen v. Gordon et al. ib. 55; Peay & Pickett v. Barber, ib. 97; Chesnut et ux. et al. v. Strong, ex'or. ib. 123; Ex parte, Leith, ex'or. ib. 153; Drayton v. Grimke, adm'r. ib. 225; Adams et al. v. Chaplin et al. ib. 266; Stuckey v. Stuckey, ib. 309; Cole et al. v. Creyon, ib. 319; Bankhead adm'r. v. Carlisle adm'r. ib. 358; Fraser v. Boone et ux. ib. 367; Pringle et al. v. Allen, ib. 136; Cordes v. Ardrian, ib. 155; Spann et ux. v. Jennings et al. ib. 324; Ex parte Calmes, ib. 113; Lyles v. Lyles adm'r. ib. 77; Waring ex'or. v. Purcell, ex'x. ib. 196; Robertson et al. v. Collier et ux. et al. ib. 373; Connor adm'r. et al. v. Johnson adm'r. et al. 2 Hill's Ch. Rep. 44; Nash v. Savage & Nash ex'ors. ib. 50; Bryson adm'r. v. Nickolls et al. ib. 114; Edwards v. Barksdale, ib. 192; Deas et ux. v. Horry et al. ib. 248; Cheves ex'or. v. Dallas et al. ib. 300; Ex'ors of White v. Vaughan, ib. 334; Table v. Brown ex'or. ib. 398; Britton et ux. v. Johnson, ib. 430; Brunson et ux. v. Heirs et adm'rs. of Hunter, ib. 490; Patterson v. Leith ex'or. ib. 16; Heath v. Heath et al. ib. 101; Frazier et al. v. ex'rs of Frazier, ib. 314; Seibels v. Whatley et al. ib. 609; Davidson v. Ruff, ib. 141; Wilson et ux. v. Freer et al. ib. 552; McMeekin v. Brummet, ib. 638.

See likewise, Beresford et ux. et al. v. Ex'rs. of Col. B. Elliott, 1 Des. 189; Dill et Smith v. Dill, 1 Des. 237; Keith v. Perry, ib. 353; Drayton v. Drayton et al. ib. 329; Deveaux et ux. v. Barnwell ex'or. ib. 497; Jacks et ux. v. Henderson, ib. 543; De Brahm et al. v. Ex'rs. of Fenwick, ib. 111; Sams v. Mathews et al. ib. 127; Sealy et ux. ex'x. of Ball v. Laurens ex'or. of Ball, ib. 137; Smith v. Poyas et ux. ib. 156; Postell v. Ex'rs. of Postell, ib. 173; Loococh v. Clarhoon et al. ib. 471; Radford et ux. v. ex'x. of Westcott, ib. 596; Brown et ux. v. Ex'rs. of Catlett, ib. 113; Ex parte Rob. Gibbes, ib. 126; Postell et ux. et Smith et ux. v. Ex'rs. of Skirving, ib. 158; Mayrant et ux. v. Davis ex'or of Neilson, ib. 202; Smith adm'r. of Motte v. Huger ex'or. of Motte, ib. 247; Logan v. Ex'or. of Ladson, ib. 271; Hopkins v. Wainwright ex'or. ib. 303; Reynolds v. Ex'or. of Calder, ib. 355; Grimke v. Ex'rs. of Grimke, ib. 366; Woodberry v. Ex'or. of Collins, ib. 424; Bowles et ux. et al. v. Ex'rs. of Drayton, ib. 489; Stuart v. Ex'or. of Carson, and Hartley et ux. v. Ex'rs. of Carson, ib. 501; Snow et al. v. Ex'or. of Snow, ib. 542; Perroneau v. Ex'rs. of Perroneau, ib. 531; Ex'rs. of Drayton v. Creditors of Drayton, ib. 557; Shackelford et ux. v. Ex'or. of Collins, ib. 570; Boone et al. v. Ex'or of Durand, ib. 588; Lowndes et ux. v. Lempire, ib. 590.

See Brailsford et ux. v. Ex'or. of Heyward, 2 Des. 32; Ex'or. of Smelie v. Ex'rs. of Smelie, 2 Des. 66; Hamilton v. Peace et al. 2 Des. 79; Hart et al.

v. Ex'rs. of Hart, ib. 58; Cruger et ux. et al. v. Ex'or. of Heyward et al. ib. 94; see note to case of Horry and Deas v. Horry, ib. 123; Brailsford et ux. v. Heyward et al. ib. 290; Mackie v. Alston et al. ib. 362; Cruger et ux. v. Hayward's minors, ib. 422; Ex'rs. Devises, and Legatees of Ellis v. Widow, Devises, &c. of Ellis, ib. 556; Fraser et al. v. Hamilton et al. ib. 573; McDowell v. Peyton and Hutchinson et ux. ib. 313; Palmer v. Mikell, Seabrook et al. ib. 342; Izards & Smiths v. Ex'rs. and Legatees of Izard, ib. 309; Pringle et ux. v. Ex'or. and Ex'x. of McPherson, ib. 524; Ex'or. of Sinkler v. Legatees of Sinkler, ib. 127.

See likewise Whaley et al. v. Jenkins et al. 3 Des. 80; Clark et ux. et al. v. Mikell, 3 Des. 168; Waring v. Middleton, Wraggs et al. ib. 249; Cochran v. Ex'x. Cochran, ib. 186; Cudworth et ux. v. Adm'x. of Hall, ib. 256; Ex'rs. of Cogdell v. Widow, Heirs, Devises and Legatees of Cogdell, ib. 346; Boone v. Fraser and wife and Boone, ib. 88; Jones et ux. v. Price et ux. ib. 165; Bunch adm'r. v. Hurst adm'r. ib. 273; Warren v. Wigfall et al. ib. 47; Huger et al. v. Huger et al. ib. 19; Caborne v. Godfrey et al. ib. 514; Hart v. Hart et ux. ib. 592.

See likewise, Means v. Evans, 4 Des. 243; Snelgrove et al. v. Snelgrove et al. 4 Des. 274; Dunlap et al. v. Dunlap et al. 4 Des. 305; Milledge et al. v. Lamar et al. 4 Des. 617; Rothmahler v. Myers and Cohen, ib. 215.

See post at p. 382, Act No. 571.

No. 571. Concerning last Wills and Testaments. See No. 544 and the notes and references thereto.

No. 617. *An Act for establishing and regulating of Patrols.*

See vol. 2, p. 254. See the present vol. No. 574, p. 395, No. 671, p. 568, No. 742, p. 681. See Act of Assembly respecting slaves, free negroes, &c., 20 Dec. 1800; and the Act of 17 Dec. 1803, altering the preceding Act—also Pamphlet Laws of 1807, p. 17; of 1808, p. 53; of 1809, p. 37; of 1813, p. 9; of 1819, p. 29; of 1823, p. 52; of 1835, p. 39, 43; of 1837, p. 37.

See cases, Graham v. Bell, 1 Nott & M'C. 289; Hogg v. Keller, 2 Nott & M'C. 113; The State v. Cole, 2 M'C. 1, 117; Porleous v. Hazel & Jenkins, 1 Harp. 332; The State v. Martindale, 1 Bailey, 163; The State v. Castles, 2 Hill's Law Cases, 617.

No. 623. *An Act for putting in force in this Province, two Acts of the English Parliament, &c.*

The first Section of this Act is nearly copied from 5 and 6 Ed. 6, ch. 16, and the second Section is copied verbatim from that Statute.

The enacting clause of the third Section is copied from 2 Geo. 2, ch. 25, with the addition of the following words, from 7 Geo. c. 22: "or any acceptance of any bill of exchange, or the number or principal sum of any accountable receipt for any note, bill or other security for payment of money, or any warrant or order for payment of money or delivery of goods."

Sections 4 and 5 are copied nearly from 2 Geo. 2, ch. 25.

Quere, if the English decisions on such parts of these Acts as we have adopted, are not of authority in our Courts?

No. 651. *An Act for the better preventing the spreading of the infection of the small pox in Charleston.*

Qu., whether the inoculating for the small pox at this day, ought not to be regarded as an indictable offence?

No. 664. *An Act to appoint persons to serve on Juries, &c.*

See the notes to the preceding Jury Acts in this volume.

17 No. 665. *An Act concerning masters and apprentices.*

See vol. 2, No. 325, Sect. 8; Pamphlet Laws of 1833, p. 36.

See *Belcher v. Com'r.*, 2 M'Cord, 21; *Carmand v. Wall*, 1 Bailey, 209; *Sheppard v. Kelly & Sims*, 2 Bail. 93; *Eubanks v. Peak*, ib. 497.

No. 667. *An Act to prevent the delay of Justice, &c.*

See the preceding Act concerning Juries and the notes thereto.

No. 680. *An additional Act to an Act for the better regulating Taverns and Punch Houses.*

See 2d. vol. of Stat. at Large, 85, 118, 198, 336, 363,

See A. A. of Feb. 1791, concerning County Courts, Sect. 8; A. A. of Dec. 1799, concerning Judicature, Sect. 38; A. A. of Dec. 1801, on right of com'rs. of roads to grant Licences; See Pamphlet Acts of 1825, p. 37; Do., 1827, 34.

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See *City Council v. Corleis*, 2 Bail. 186; *City Council v. Char.* ib. 164.

No. 699. *An additional and explanatory Act to prevent Mariners and Seamen running in debt.*

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No. 705. *An Act for allowing mutual debts to be discounted, &c.*

See Act of 7 Ap. 1759, No. 877 of this volume, perpetuated by revival Act of 1783; not to be allowed against monies due to the public—see Ordinance of 22 March, 1786.

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For Wills and Testaments, one of the subjects of this Act, see Index to this volume, for a reference to Acts and cases already collected.

No. 707, p. 612. *An Act for allowing the plaintiff in ejectment to bring more than one action, &c.*

See Act No. 323, p. 583 of vol. 2, of this work; Act of Ass. 19 Feb. 1791, substituting the action of trespass to try title. See also the Limitation Acts of 1784, 1788, and 1789.

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The references to cases under *Title* in the Indices to the common law reports, contain decisions worth consulting on this head.

No. 709, p. 616. *An Act for the better securing the payment and the more easy recovery, &c. Attachment Act.*

See the Insolvent Debtors Act of 7 Ap. 1759, Sect. 16, &c.; Act of 12 March 1783, amendatory of the present Act; County Court Act of 22 March, 1785, Sect. 6 and 7; Attachment Act of 27 Feb. 1788; County Court Act of 29 Feb. 1788, Sect. 7; Supplementary Act to establish a system of Judicature, Sect. 7, 21 Dec. 1799; Pamphlet Acts of 1831, p. 32; *Blakely v. Bradford*, 1 Bay, 355; *Kennedy v. Raguet*, ib. 477; *Callahan v. Hallowell*, 2 Bay, 8; *Fabre v. Bower*, ib. 124; *Sheffler v. Garriscan et al.* ib. 224; *Mathis v. Clark*, *Mills's Rep.* 456; *Crocker et al. v. Ratcliffe*, *Tread. Rep.* 83; *Creagh v. Delane*, 1 Nott & M'Cord, 190; *M'Kenzie v. Buchan*, ib. 206; *Leech v. Thomas*, 2 Nott & M'Cord, 110; *Boyd v. Boyd*, ib. 125; *Havis v. Tripp*, ib. 130; *Degnen v. Wheeler & Co.* ib. 323; *Durant v. Staggers*, ib. 488; *Richardson v. Loreck*, 1 M'Cord, 185; *Foster v. Jones*, ib. 116; *Forrester v. Creditors of Guerrineau*, ib. 304; *Shrewsbury v. Pearson*, ib. 331, see note to p. 332; *Richardson v. Whitfield*, ib. 403; *Gone and Dunnivant v. McDaniel*, ib. 480; *Roberts v. Brown*, ib. 448; *Haygood v. Hunter*, ib. 511; *Turner v. McDaniel*, ib. 552; *Tolman v. Thompson*, 2 M'Cord, 43; *Tavel v. Barre*, ib. 201; *Boyer v. Owens*, ib. 208; *Gracy & Co. v. Coates*, ib. 224; *Schutzill & Co. v. Bolton*, ib. 478; *Schutzill & Co. v. Bolton*, 3 M'Cord, 33; *Martin v. Thompson*, ib. 167; *Kincaid v. Neal*, ib. 201; *Ohors v. Hill*, ib. 338; *Cummerford v. Hall*, ib. 345; *Fife & Co. v. Clarke*, ib. 347; *Crocker & Hitchborn v. Ratcliffe*, ib. 351; *Robinson v. Crowder*, *Clough & Co.* 4 M'Cord, 519; *Robinson v. Crowder*, *Clough & Co.* 1 Bail. 185; *West v. Tupper & Kimball*, ib. 193; *Green v. McDonell*, ib. 304; *Westmoreland v. Tipples*, ib. 514; *Kincaid v. Blake*, ib. 20; *McBride v. Floyd*, 2 Bail. 209; *Vann v. Frederick*, ib. 303; *Gaffney v. Bradford*, ib. 441; *Callender & Co. v. Duncan*, ib. 454; *Green v. Mowry*, ib. 163; *Pringle v. Carter*, 1 Hill's Law Rep. 53; *Martin v. Parham*, ib. 213; *Chambers et al. v. M'Kee*, ib. 229; *Young v. Young*, 2 Hill's Law, Rep. 425; *Smith v. Posey*, ib. 471; *Blake v. Hawkes*, ib. 631; 1 Harp. 125.

No. 713, p. 630. *An Act concerning Jurors and Juries, &c.*

See the preceding Acts in this volume, and the notes thereto, on Jurors and Juries.

No. 717, p. 640. *An Act for the relief of Insolvent Debtors, &c.*

For references to the head of Insolvent Debtors, see the Insolvent Debtors Act of 1759.

No. 725, p. 647. *Act to prevent the further spreading of infectious disorders among cattle, &c.*

This subject requires a permanent Act.

No. 730, p. 656. *An Act for enlarging the qualifications of Electors, &c.*

See notes to No. 446, p. 135 of this volume; also Act No. 746.

No. 734, p. 662. *An additional and explanatory Act for the relief of Insolvent Debtors, &c.*

See notes to the Insolvent Debtors Act of 1759.

No. 735, p. 666. *An Act to direct executors and administrators, &c.*

See index to the notes of the preceding volume, under title *Executors*.

No. 742, p. 681. *An Act for the better establishing and regulating of Patrols, &c.*

See vol. 2 of this work, 254; see Act for the better governing of white servants, 29 May, 1744, Sect. 29, exempting them from patrol duty; see Act respecting slaves, 29 Dec. 1800; and Act of 17 Dec. 1803, on the same subject; Act of 1807, Pamphlet Laws, p. 17; Act of 1808, Pamphlet Laws, p. 53; Act of 1809, Pamphlet Laws, p. 37; Pamphlet Laws of Sep. Session, 1813, p. 9; Pamphlet Laws of 1819, p. 29 to 33; Pamphlet Laws of 1823, p. 52; Pamphlet Laws of 1835, p. 43.

See CASES—Graham v. Bell, 1 Nott & M'C. 280; The State v. Cole, 2 M'C. 1, 117; Porteous v. Hazel and Jenkins, 1 Harp. 332; The State v. Martindale, 1 Bail. 163; The State v. Castles, 2 Hill's Law Cases, 617.

The present Act, No. 742, was perpetuated by revival Act of 1783.

No. 762, p. 706. See Acs No. 426 on the same subject; Acts 1837, p. 37.

No. 763. *An Act for empowering persons to appoint Guardians, &c.*

The second Section of the present Act, (No. 763) is copied from 12 Ch. 2, ch. 24; Grimke observes that the Act of Ch. 2, has the word *tuition* instead of *direction*, as inserted in this second clause of our Act. But the civil law meaning of *tuition*, includes *direction*.

On the 3rd Section of this Act, see J. Brown and wife v. Hugh M'Mullin and others, 1 Nott & M'Cord, 252.

See an Act to direct executors and administrators, &c. 25 May, 1745, Sect. 6 and 12, and in connection with it the Act of 17 Feb. 1789; Act for the more effectual discovery of the death of persons, &c. 6 Ann, c. 18, A. D. 1707; also the Judicature Act of 21 Dec. 1799, Sect. 37; also an Act to alter and amend an Act concerning negroes and persons of color, 18 Dec. 1802, Sect. last; Pamphlet Act of 1808, p. 48; Pamphlet Acts of 1822, p. 13; Pamphlet Acts of 1824, p. 21.

See CASES—Kidd v. Mitchell, 1 Nott & M'Cord, 339; Darby v. Anderson, ib. 373; Barns v. Branch, 3 M'Cord, 19; Ordinary v. Maddox, ib. 237; Harrington v. Cole, ib. 209; James v. Wallace, 4 M'Cord, 121; Somerall v. Gibbes, 4 M'Cord, 547; Mitchell v. Conelly, 1 Bail. 203; Crymes v. Day, ib. 320; Tucker v. M'Kee, ib. 344; Roche v. Chaplin, ib. 419; Bomar v. Wilson, ib. 461; Tomkins v. Tomkins, ib. 92; Guardian ad litem, 2 Bail. 461, Edwards v. Ford; Edmonds v. Davis, 1 Hill's Law Cases, 279; Davis v. Rhame, 1 M'C's. Ch. Rep. 191; M'Dowell v. Caldwell, 2 M'Cord Ch. Rep. 68; Howard v. Faber, ib. 446; Ex parte, De Graffenreid, 2 Harper, 107; Ex parte, Heard, 2 Hill's Ch. Ca. 55; Ex parte, Martin, ib. 71; Adm'rs. of Johnson v. Ex'rs. of Johnson, ib. 285; Harley et ux. v. De Witt, ib. 370; Messervey et al. v. Barelli, ib. 567; Jordan v. Hunt, ib. 145; Smith v. Smith, ib. 112; Massey v. Massey et al. ib. 496; Ex parte, Smith, 1 Hill's Ch. Ca. 141; Capeheart et al. v. Adm'rs. of Huey, ib. 400.

No. 771. *An Act to prevent the spreading of infectious and contagious distempers in Charleston.*

I have inserted this among the general Acts, because the subject matter is not confined to Charleston.

See Act No. 433, and the note thereto ; also Act No. 651, as to the small pox ; Act No. 803, p. 771, post ; Act of 26 March, 1784, compared with Act of 19 March, 1785 ; Act of 19 Dec. 1796 ; Resolution of 19 Dec. 1793, to appoint port physicians. Pamphlet Laws of 1809, p. 47.

No. 779, p. 724. See notes to the Insolvent Debtors Act of 1759.

No. 784. *An Act for the prevention and suppression of private Lotteries.*

See Act of 13 Sep. 1762 ; Act of 17 Dec. 1794, and Pamphlet Laws for 1809, p. 51, establishing certain lotteries, and Act of 12 Dec. 1795, for like purpose ; Pamphlet Laws, 1809, p. 54, establishing a lottery for the benefit of the Presbyterian Church at Charleston. See also Pamphlet Laws, 1810, p. 58 ; Pamphlet Laws, 1812, p. 45 ; Pamphlet Laws, 1814, p. 65 ; Pamphlet Laws, 1815, p. 58. Pamphlet Laws, 1816, p. 31 ; Pamphlet Laws, 1818, p. 52 ; Pamphlet Laws, 1819, p. 54 ; Pamphlet Laws, 1820, p. 15 ; Pamphlet Laws, 1829, p. 5 ; Pamphlet laws, 1731, p. 52 ; Pamphlet Laws, 1836, p. 37.

Quere—if any sufficient motive can be assigned to justify the legislative permission of public gambling ? The general sentiment is at present hostile as much to Lotteries as to Faro Tables ; and the day is not far distant when legislative protection will be afforded to the regular pursuits of honest industry alone.

No. 779. *Act relating to Insolvent Debtors.* See Act of 1759 on this subject.

No. 783. See the note on the Jury Acts, ante, p. 786.

No. 803. *To prevent the spreading of contagious disorders.*

See the notes to No. 651 and 771 ; see also p. 773 of this volume.

No. 807. *An Act for the better preventing excessive and deceitful Gaming.*

See v. 2 of this work, p. 5, 17, 565, 749 ; see Sect. 8 of the Insolvent Debtors Act of 1759 ; Act of 13 Sep. 1752, suppressing private Lotteries ; Acts against gaming and swindling, 19 Feb. 1791, and 18 Dec. 1802 ; Pamphlet Laws, 1816, p. 7.

END OF THE NOTES.

Index,

TO THE SUBJECT MATTER OF THE ACTS OF ASSEMBLY CONTAINED IN THIS VOLUME.

REMARKS.—This volume contains 782 pages of text ; commencing A. D. 1717, and ending at the year 1753, exclusive ; the number of the last Act of 1752, being 809. Grimke's public Laws down to the commencement of 1753, ends at page 229 of his volume, and Act No. 830 of his numeration.

His volume ends at an Ordinance of 20th January, 1790, No. 1508. The Index of the present volume, therefore, leaves many titles necessarily incomplete, which are comparatively full in Grimke. I have referred to the Acts not comprized in the present volume, to which Grimke's Index relates. Volume 4, will probably contain them.

The great proportion of Acts in this volume, are temporary Acts ; limited to various durations from one to seven years. A full Index for Acts of this limited description, would not lead, but mislead.

The custom was, anterior to our revolution, to pass occasional Acts to repeal, revive, continue, or alter such Acts of Assembly as seemed to require this supervisory regulation. A table or catalogue will be given at the end of the 4th volume, of all the Acts of Assembly that have been thus expressly repealed, revived, or continued, from the year 1682, to the close of that volume ; which I hope to finish in November next.

After the enactment of the Constitution, the Acts of Assembly assumed a more permanent character, and a great proportion of those Acts remain in force to this day. But it is manifest, that no *full and satisfactory* Index can be drawn up for each volume, in the present state of this work. This most essential labor can only be completed when all the Acts comprized in the body of the work are fully printed. That Index will comprize the body of existing law, as enacted by the Legislature.

In mean time, I have given a full Index to the contents of such Acts in the present volume, as appeared to me to require it, with references to the same subjects in the legislation of the succeeding volume, and as far as the year 1790, when Grimke's volume of public Laws ends. These references will be comprized in the succeeding volume, which will contain the Acts to which they relate ; but the repetition can do no harm, and I have thought the trouble usefully applied to facilitate present consultation.

The notes to this volume are too few to require a separate Index, and I have therefore referred to them at the end of each corresponding title in this general Index.

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